



4 July 2018

State Council Agenda

NOTICE OF MEETING

Meeting No.5 of 2018 of the Western Australian Local Government Association State Council to be held at WALGA, 170 Railway Parade, to commence at 4pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Chair	President of WALGA	Cr Lynne Craigie
Members	Deputy President of WALGA, North Metropolitan Zone	Mayor Tracey Roberts
	Avon-Midland Country Zone	Cr Jan Court JP
	Central Country Zone	President Cr Phillip Blight
	Central Metropolitan Zone	<i>Delegate to be elected</i>
	Central Metropolitan Zone	Cr Paul Kelly
	East Metropolitan Zone	Cr Brooke O'Donnell
	East Metropolitan Zone	Cr Kate Driver
	Goldfields Esperance Country Zone	President Cr Malcolm Cullen
	Gascoyne Country Zone	President Cr Cheryl Cowell
	Great Eastern Country Zone	President Cr Stephen Strange
	Great Southern Country Zone	President Cr Keith House JP
	Kimberley Country Zone	Cr Chris Mitchell
	Murchison Country Zone	Cr Les Price
	North Metropolitan Zone	Cr Giovanni Italiano JP
	North Metropolitan Zone	Cr Russ Fishwick JP
	Northern Country Zone	President Cr Karen Chappel
	Peel Country Zone	President Cr Michelle Rich
	Pilbara Country Zone	President Cr Kerry White
	South East Metropolitan Zone	Cr Julie Brown
	South East Metropolitan Zone	Cr Brian Oliver
South Metropolitan Zone	Cr Doug Thompson	
South Metropolitan Zone	Mayor Carol Adams	
South Metropolitan Zone	Mayor Logan Howlett JP	
South West Country Zone	President Cr Tony Dean	
Ex-Officio	Local Government Professionals (WA)	Mr Ian Cowie
Secretariat	Chief Executive Officer	Ms Ricky Burges
	Deputy Chief Executive Officer	Mr Wayne Scheggia
	EM Environment & Waste	Mr Mark Batty
	EM Governance & Organisational Services	Mr Tony Brown
	EM Finance & Marketing	Mr Zac Donovan
	EM People and Place	Ms Jo Burges
	EM Infrastructure	Mr Ian Duncan
	EM Business Solutions	Mr John Filippone
	Manager Strategy & Association Governance	Mr Tim Lane
	Manager Governance	Mr James McGovern
Executive Officer Governance	Ms Margaret Degebrod	

1.2 Apologies

1.3 Announcements

2. MINUTES

Recommendation

2.1 Minutes of Ordinary meeting held 4 May 2018

That the Minutes of the Western Australian Local Government Association (WALGA) State Council meeting held on 4 May 2018 be confirmed as a true and correct record of proceedings.

2.2 Minutes of State Council Budget Meeting

That the Minutes of the State Council Budget meeting held 6 June 2018 be confirmed as a true and correct record of proceedings.

3. DECLARATIONS OF INTEREST

Pursuant to our Code of Conduct, State Councillors must declare to the President any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

4. EMERGING ISSUES

Notification of emerging issues must be provided to the President no later than 24 hours prior to the meeting.

5. MATTERS FOR DECISION

- As per matters listed
- Items Under Separate Cover to State Council only

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

- 7.1.1 Environment and Waste
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure
- 7.1.4 People and Place

7.2 Policy Forum Reports

- 7.2.1 Policy Forum Reports

7.3 President's Report

Recommendation

That the President's Report for July 2018 be received.

7.4 CEO's Report

Recommendation

That the CEO's Report for July 2018 be received.

7.5 Local Government Professional's Report

Mr Ian Cowie, President, Local Government Professionals will provide an update on the activities of Local Government Professionals.

8. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

9. MEETING ASSESSMENT

President Cr Tony Dean has been requested to provide feedback as to the effectiveness of the meeting.

10. DATE OF NEXT MEETING

Recommendation

That the next meeting of the Western Australia Local Government Association State Council be held on Friday 7 September 2018 at a location in the Northern Country Zone, to be advised.

11. CLOSURE

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5. MATTERS FOR DECISION

5.1 Updated Climate Change Policy Statement (05-028-03-0011 LS)

By Laura Simes, Environment Policy Advisor

Recommendation

That the revised WALGA Climate Change Policy Statement be endorsed.

In Brief

- WALGA's existing Policy Statement was endorsed by State Council in June 2009.
- The revised Policy Statement reflects contemporary scientific understanding of climate change, international and national political developments, and the increasing urgency for effective climate change adaptation and mitigation action.
- The revised Policy Statement has been developed after extensive consultation with the sector over the last six months, including a Climate Change discussion paper and draft policy statement provided for feedback.
- The overwhelming response from Councils, Elected Members and officers was supportive of producing a stronger climate change policy statement.
- The revised Policy Statement represents the consolidated view of the sector and forms the basis of WALGA's climate change advocacy. It does not bind individual Local Governments.

Attachments

1. Draft Climate Change Policy Statement 2018
2. [WALGA Policy Statement on Climate Change, 2009 \(521.3/2009\)](#)
3. [WALGA Advocacy Position Statements](#) (refer paragraph 4.1)
4. [Climate Change Policy Statement Review - Discussion Paper](#)
5. [Draft revised WALGA Climate Change Policy Statement](#) (as circulated for sector comment)

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues; and
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated.

Policy Implications

WALGA's existing Climate Change Policy Position (the **existing Policy Statement**) was endorsed by State Council in June 2009 (521.3/2009). An extract of this statement is included at paragraph 4.1 of WALGA's Advocacy Position Statements:

Local Government acknowledges that:

- *Anthropogenic climate change is occurring, and is committed to preventing it;*
- *Action should be immediate;*
- *Australia has an obligation to act. Local Government supports this by being committed to meeting obligations set by the other tiers of government;*
- *Mitigation and adaptation is interdisciplinary. Local Government will support its stakeholders (community and business) to transition towards sustainable lifestyles, but must be adequately resourced from the Australian Government to do so;*
- *Mitigation and adaptation strategies must be equitable, locally, nationally and internationally;*
- *Local Governments will individually determine their priorities and targets, but acknowledge that climate change must be addressed at all levels of their own operations, and*
- *asserts that funds from Commonwealth or State NRM programs should be made available to assist Local Government NRM activities.*

The existing Policy Statement has been the foundation for WALGA's climate change advocacy position, informing action and engagement in this area, and has been referenced in climate change submissions to State and Federal Government.

The Climate Change Policy Statement 2018 (the **revised Policy Statement**) consolidates climate change positions set out in recent submissions, and updates and strengthens the existing policy position to take account of:

- contemporary scientific understanding of the extent and impacts of climate change;
- political developments domestically and internationally since 2009;
- the current 'policy vacuum' at the State and Federal level; and
- recognition of the fact that Local Governments are already experiencing climate change, and taking mitigation and adaptation action.

The proposed 'headline' position statement is as follows:

Local Government acknowledges:

- I. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.*
- II. Climate change threatens human societies and the Earth's ecosystems.*
- III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.*
- IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.*

Local Government is committed to addressing climate change.

Local Government is calling for:

- I. Strong climate change action, leadership and coordination at all levels of government.*
- II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.*

Budgetary Implications

Nil.

Background

Climate change is a key issue for Local Governments that impacts almost all aspects of their operations and responsibilities. As the level of government closest to the community, Local Governments manage and plan for a range of impacts of climate change, including on community assets, disruption of council services, unbudgeted financial impacts and adverse health impacts on residents.

Local Governments have been actively engaging in a wide range of climate change mitigation and adaptation actions for many years, and WALGA has had a Policy Statement on Climate Change since 2009. The existing Policy Statement forms the foundation for WALGA's climate change advocacy on behalf of the sector and has been referenced and expanded upon in submissions on climate change issues, including:

- [Submission to the Department of the Environment and Energy on its Emissions Reduction Fund: Safeguard Mechanism Consultation Paper](#) (March 2018; endorsed by State Council May 2018)
- [Submission to the Climate Change Authority's Review of the Carbon Farming Initiative legislation and Emissions Reduction Fund](#) (September 2017; endorsed by State Council December 2017);
- [Submission to the Australian Government inquiry into the impacts of climate change on housing, buildings and infrastructure](#) (August 2017; endorsed by State Council September 2017); and
- [Submission in response to the Australian Government's Review of Climate Change Policies](#) (May 2017; endorsed by State Council July 2017).

WALGA identified that the existing Policy Statement required updating to take account of significant developments in scientific understanding of the extent and impacts of climate change, as well as significant policy changes at the international and national level since 2009. In addition, as worldwide temperatures increase and greenhouse gas emissions continue to rise¹, there is an increasing urgency for effective climate change adaptation and mitigation action.

A key development since 2009 is the advent of the Paris Agreement under the United Nations Framework Convention on Climate Change in 2015. The Paris Agreement expressly recognises the importance of engagement at all levels of government. As a signatory to the Paris Agreement, Australia has committed to taking action on climate change. However it is widely acknowledged that countries' existing commitments are insufficient to limit global temperature increases to 2° Celsius, let alone the 1.5° Celsius target under the Paris Agreement². The revised Policy Statement makes express reference to this imperative, which is also consistent with the commitment and action of many Local Governments to act on climate change.

At the domestic level, since 2009 Australia has seen fluctuations in climate change policy, with the introduction and then repeal of a carbon price, and then the introduction of 'Direct Action' policies including the Emissions Reduction Fund (which at the last budget had no further funds allocated to it). In Western Australia, there have also been fluctuations with the State Government having a 'Climate Change Office' which was reduced over time to a 'Unit' and then just a few people. A Western Australian climate change strategy was developed in 2012, primarily dealing with adaptation, but this has not been revisited.

Comment

Consultation

¹ See for example, Peter Hannam, "'True shocker': February spike in global temperatures stuns scientists, Sydney Morning Herald, 14 March 2016. Available at <http://www.smh.com.au/environment/climate-change/true-shocker-spike-in-global-temperatures-stuns-scientists-20160313-gni10t.html>.

² See for example, the Climate Action Tracker (Climate Analytics, Ecofys & NewClimate Institute), which calculates the gap in current policies, Paris Commitments and the emissions reductions required to keep the world at 1.5°C and 2.0 °C increases. Current Paris pledges would see a global temperature rise of 3.2 °C by 2100. Available here: <https://climateactiontracker.org/global/cat-emissions-gaps/>.

The sector has been widely consulted in the process of developing the revised Policy Statement, through a discussion paper released for comment in November 2017 and a draft revised Policy Statement released for comment in March 2018. WALGA's Chief Executive Officer also wrote to all Local Government Chief Executive Officers to encourage consideration of the draft Policy Statement and the provision of Council endorsed feedback. All comments received have been considered in finalising the revised Policy Statement that has been provided for State Council's endorsement.

Climate Change Discussion Paper

WALGA released the *Climate Change Policy Statement Discussion Paper* (the **Discussion Paper**) for comment by the sector on 7 November 2017. The Discussion Paper was promoted widely on WALGA's website, through a WALGA newsletters including Local Government News, Councillor Direct and EnviroNews. It was also emailed direct to WALGA's Environment, Planning and Emergency Management Local Government contacts. Comments on the Discussion Paper closed on 16 January 2017.

The Discussion Paper outlined key developments that have occurred since the existing Policy Statement was endorsed, including contemporary scientific understanding of the extent and impacts of climate change and political developments domestically and internationally. The following questions were posed in the Discussion Paper, in order to gauge the sector's views on climate change developments, attitudes towards strengthening the statement, and key priority areas for advocacy:

Climate Change Policy Statement Discussion Paper - Questions

Question 1: Have you made use of the existing Climate Change Policy Statement? How?

Question 2: Have you used the Policy Statement *template*? How?

Question 3: Is it useful to make the Policy Statement available in template format (eg, to assist in developing your own Local Government Climate Change Policy)?

Question 4: In light of current observations of the effects of climate change, would you support the inclusion of a stronger statement, similar to that set out in the MAV climate change statement?

Question 5: Do you agree that the Policy Statement should emphasise the need for Commonwealth and State governments to play a stronger leadership and coordination role, and engage in long-term planning on climate change?

Question 6: Do you agree that Commonwealth (and State) Government climate change mitigation policy settings should include measures that can take advantage of the substantial emissions reductions that can be achieved by Local Governments?

Question 7: Do you have suggestions or examples of Local Government projects that could achieve significant emissions reductions?

Question 8: Do you agree that the existing mitigation content reflects the Local Government position on mitigation action? Are there any issues in particular you would like to see highlighted? Do you have any suggestions for other content that should be included?

Question 9: Do you agree that that the Policy Statement should incorporate reference to broad scale shift that is already occurring in Australia?

Question 10: Do you agree that the above areas are key issues for Local Government? Are there other key adaptation priorities/issues for Local Governments?

Question 11: Do you agree that reference to these issues should be included in the Policy Statement?

Question 12: Do you agree that one element of an effective approach to climate change adaptation would include a State/Local Government partnership agreement?

Question 13: Do you support an acknowledgment that the impacts of climate change are already being felt, and that Local Governments are currently undertaking adaptation work, as well as planning for the future?

Question 14: Do you support a call for effective long term policy instruments, legislation and/or policies, along with adequate resourcing for climate change adaptation and planning?

Question 15: Do you support inclusion in the Policy Statement of the need for emergency management and disaster relief policies to adequately incorporate climate change in their planning and implementation? Are there other related issues you would like included?

Question 16: Do you agree the Policy Statement should incorporate the Paris Agreement and Australia's commitment, and urge or support a more ambitious target, and effective adaptation action?

Question 17: Do you agree with incorporating reference to the Sustainable Development Goals in the Policy Statement, including an express statement in support?

Overview of input received

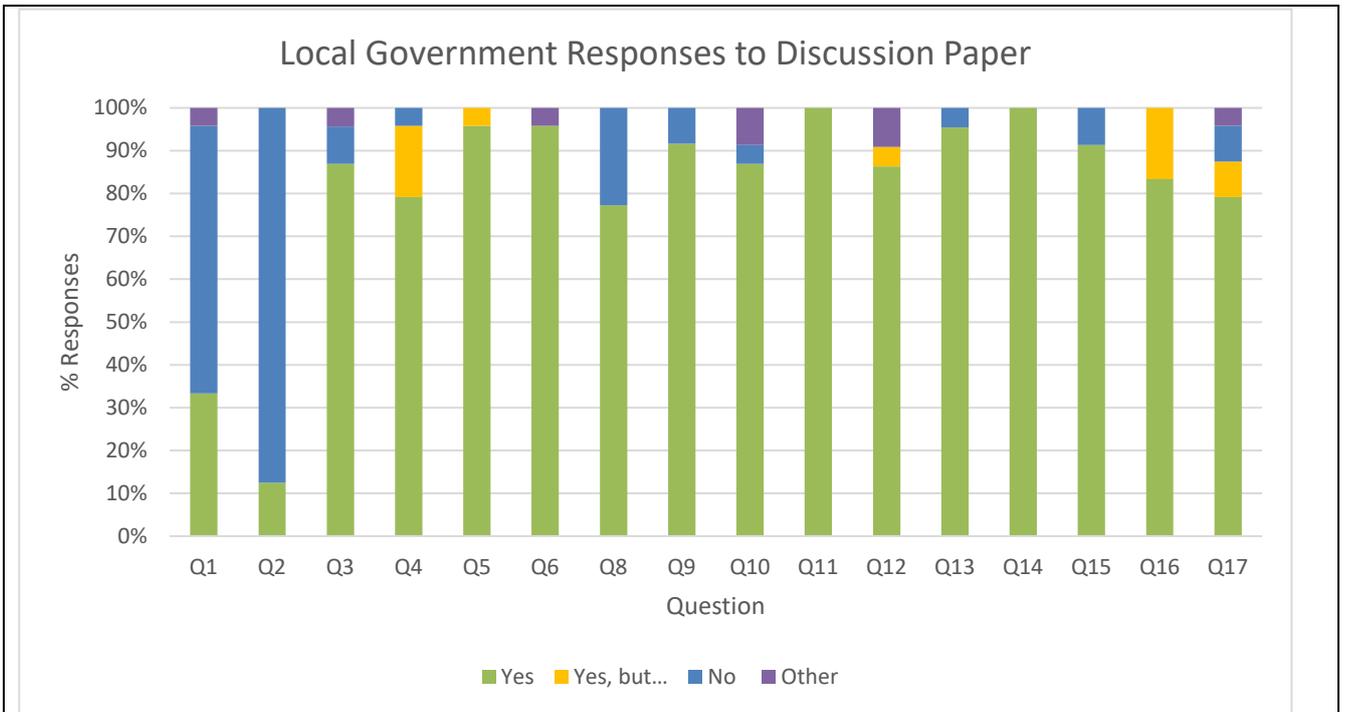
WALGA received 26 responses from the WA Local Government sector, and one from a climate change advocacy group (Doctors for the Environment Australia – WA Branch). Local Government responses were almost evenly divided between input at the Local Government Council/ organisational level (14) and individual responses (10 Local Government officers, 2 Councillors). There were 21 responses from metropolitan Local Governments, and 5 from country Local Governments.

It is clear from the input received in response to the Discussion Paper that respondents are overwhelmingly supportive of strong climate change action, and advocacy by WALGA to support Local Governments in their actions. Responses were overwhelmingly supportive of producing a stronger climate change policy statement, to reflect the scientific consensus, international developments (ie, the Paris Agreement under the United Nations Framework Convention on Climate Change and the United Nations Sustainable Development Goals (SDGs)) and most importantly, to reflect the fact that Local Governments are *already* experiencing climate change, and taking mitigation and adaptation action. Local Governments supported the contention in the Discussion Paper that they are essentially operating in a policy vacuum, in the absence of a strong role by the Western Australian and Commonwealth Governments. There was one respondent that did not accept the premise of the Discussion Paper, suggesting the climate has always changed, “mainly due to solar activity”.

Respondents indicated strong to unanimous support for a Climate Change Policy Statement that:

- Includes a strengthened statement on the state of climate change, and emphasises the need for urgent action;
- Advocates for greater Commonwealth and State Government leadership and coordination on mitigation and adaptation action, including greater utilisation of emissions reductions that can be achieved in the Local Government sector;
- Advocates for a partnership agreement with the Commonwealth and State Governments;
- Advocates for long-term and effective planning on climate change adaptation; and
- Outlines key mitigation and adaptation priorities for Local Governments (in particular, areas where there are hurdles such as lack of funding or government regulations that continue to hinder action).

Response data



Notes:

- Question 7 was an open-ended question so is not included above.
- The answer “Yes, but...” indicates that a Local Government answered the question in the affirmative, but had additional suggestions or recommendations (eg, three respondents agreed with the inclusion of a statement that there is a climate emergency, but suggested that scientific evidence should be included to back this statement up).

Responses to questions one and two establish that most respondents have not made use of the current Climate Change Policy Statement or template version of the document. Question three responses indicate that Local Governments would value a template version of the updated Policy Statement. These responses also suggest that perhaps the Policy Statement has been underutilised by Local Governments to date, and WALGA could do more to promote the availability of this resource.

As the graph above shows, the questions relating to the suggested content for the revised Policy Statement (questions 4 – 17) all received an overwhelmingly positive response.

The Discussion Paper outlined some topics considered to be key mitigation and adaptation priorities. These were accepted by respondents, and some additional areas were also identified as priorities. These were incorporated into the revised Policy Statement.

Draft Revised Policy Statement

Input received from the sector in response to the Discussion Paper was incorporated into a draft revised Policy Statement that was circulated for comment in March 2018. WALGA’s Chief Executive Officer wrote to all Local Government Chief Executive Officers seeking input, preferably Council endorsed. It was also promoted widely on WALGA’s website, through a range of WALGA newsletters including Local Government News, Councillor Direct and EnviroNews and was emailed direct to WALGA’s Environment and Planning Local Government contacts. Comments on the draft closed on 24 April 2018.

Overview of responses

WALGA received a total of 31 responses, representing 37 Local Governments (including Local Governments represented by Peron Naturaliste Partnership (PNP) and the Western Suburbs Regional Organisation of Councils (WESROC)).

Responses were evenly divided between metropolitan and country Local Governments. Input was provided in a range of capacities ranging from individual responses (Officer/s or Councillor/s), to Local Government Administration (with or without consultation with Councillors), Council endorsed, or Committee endorsed positions. In general terms, the responses provided were mostly Council or organisation level responses (21) with some responses by individual Local Government Officers or Councillors (10).

Respondents were almost unanimous in endorsing the Climate Change Policy Statement (30). One Local Government recommended that State Council not endorse the Climate Change Policy Statement. Ten respondents endorsed the Statement with no further comments, with the remaining 20 respondents providing recommended amendments to the Policy Statement.

Input received

As noted above, all but one respondent recommended endorsement of the Policy Statement. There was a wide range of responses in terms of the detail in each responses, ranging from a simple endorsement, through to an endorsement with a large number of suggested changes. The below table sets out the main themes identified in the responses and how they have been considered:

Subject	Views expressed
Overarching policy statement	A number of respondents indicated their express support for the overarching statement of policy (at 1.0 in the Policy Statement).
Aims and objective	Some responses suggested the need for a clear statement of what the document's aims and objectives are. WALGA has added this.
Inclusion of science of climate change	There were a range of views on this. Some respondents suggested that more scientific evidence on climate change and the effects of climate change should be included. Others suggested that since the overarching Policy Statement (at 1.0) includes Local Governments' acceptance and acknowledgment of climate change, this did not need to be included at all. On balance, the existing overarching science has been left in, and in the interests of keeping the policy statement concise, some further detail has been added as an annexure.
State-level renewable energy and/or emissions reduction target	Some responses suggested that in line with the Paris Agreement and its recognition that all levels of government must be engaged, the Policy Statement should consider including a State-level renewable energy and/or emissions reduction target. WALGA has included this.
"Demands" for action	While one respondent expressly endorsed this language, there were a few responses that suggested this language was too strong and/or combative. There were also responses suggesting that the Policy Statement should acknowledge the productive partnerships and collaborations that Local Government has had with other levels of Government in the past. WALGA has softened the language, as well as adding some content acknowledging past collaborative partnerships Local Governments have had with other levels of government.

Resourcing and research	Some respondents suggested that the Policy Statement should include the value of well-resourced research and tools. WALGA has included this.
Subjects for inclusion	<p>It was suggested that energy efficiency and energy productivity should be included – this has been implemented.</p> <p>It was also suggested that biosecurity should be included – this has been implemented.</p> <p>Two respondents suggested that advocacy for a Federal legislative amendment for a “greenhouse trigger” under the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> would distract from advocacy for more direct mitigation action at the Federal level – WALGA has removed this.</p>
Actions that Local Government can take	<p>There were a range of responses that suggested the Policy Statement should provide strategies and examples of projects and areas where Local Governments can take climate action.</p> <p>WALGA’s view is that this goes beyond the aims of the Policy Statement, given that it is primarily an outward-facing advocacy document. WALGA will, however, give consideration to how it can assist with provision of this type of resource for Local Governments in the future.</p>

Local Governments and organisations that participated in the consultations

Input to the Climate Change Policy Statement Consultations		
Local Government / Organisation	Discussion Paper	Policy Statement
Augusta Margaret River		✓
Belmont	✓	✓
Beverley		✓
Bridgetown-Greenbushes	✓	✓
Bunbury		✓
Cambridge	✓	
Canning	✓	✓
Capel		✓
Carnamah		✓
Claremont		✓
Cockburn	✓	✓
Cottesloe	✓	
Dardanup		✓
Denmark		✓
Dumbleyung		✓
Eastern Metropolitan Regional Council (Comprising the Town of Bassendean, Cities of Bayswater, Belmont, Kalamunda and Swan and the Shire of Mundaring.)	✓	
Fremantle	✓	✓
Greater Geraldton	✓	✓

Input to the Climate Change Policy Statement Consultations		
Local Government / Organisation	Discussion Paper	Policy Statement
Joondalup	✓	✓
Kwinana	✓	✓
Mandurah	✓	✓
Manjimup	✓	
Melville	✓	
Mundaring	✓	✓
Nannup	✓	
Narembeen	✓	
Peron Naturaliste Partnership (Comprising the Cities of Bunbury, Busselton, Mandurah and Rockingham and the Shires of Capel, Dardanup, Harvey, Murray and Waroona.)		✓
Perth	✓	
Port Hedland		✓
Rockingham	✓	✓
Stirling	✓	
Subiaco	✓	
Swan		✓
Toodyay	✓	✓
Victoria Park	✓	✓
Vincent	✓	✓
WA branch - Doctors for the Environment Australia	✓	
Wanneroo		✓
Western Suburbs Regional Organisation of Councils (Comprising the Cities of Nedlands and Subiaco, Towns of Cambridge, Claremont, Cottesloe and Mosman Park and the Shire of Peppermint Grove)		✓
Williams		✓

Next steps

If endorsed, the revised Policy Statement will form the basis for WALGA's climate change advocacy on behalf of the WA Local Government sector. WALGA will promote the revised Policy Statement and act consistently with its content. Individual Local Governments will be encouraged to support and utilise this Policy Statement in developing and implementing their own climate change strategies and programs, but would not be bound by the Policy Statement.

Actions sought in the revised Policy Statement, as well as feedback received as part of consultations (eg, suggested priority areas for action) will shape the priorities outlined in WALGA's climate advocacy plan. Where the revised Policy Statement includes a range of priorities for Local Government, the advocacy plan will include detail about how WALGA intends to promote and prosecute Local Governments' key climate change priorities over the next few years, including:

- expanding upon the issues that are summarised in the revised Policy Statement;
- detailing targets for advocacy; and
- indicating a timeframe/importance for the different priorities.

Attachment 5.1

Updated Climate Change Policy Statement 2018

5.2 Interim Submission – Model Subdivision Conditions (05-047-01-0003 VJ)

By Vanessa Jackson, Policy Manager Planning and Improvement

Recommendation

That the interim submission to the WA Planning Commission on the Model Subdivision Conditions be endorsed.

In Brief

- On 14 March 2018, the Bush Fire Policy team at the Department of Planning, Lands and Heritage released revised Model Subdivision Conditions for comment.
- The revised subdivision conditions were prepared in response to the recent implementation improvements as part of the ongoing review of the Guidelines for Planning in Bushfire Prone Areas. The model conditions have also been re-numbered to group similar issues together, that being the bushfire and unexploded ordnance (UXO) conditions.
- The public comment period closed on 11 May 2018, therefore an interim submission was prepared.

Attachment

Interim Submission – Model Subdivision Conditions

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated.

Policy Implications

At the 2018 March State Council meeting, a report on the significant shift in the implementation of the Bushfire Management Plans through the subdivision process was considered, and the following recommendation endorsed (RESOLUTION 11.1/2018): -

That WALGA advise the State Government the Local Government sector:

1. Will not agree to the Department of Fire and Emergency Services(DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bushfire Management Plans, when the condition has been requested by DFES;
2. Requires adequate and effective consultation on any review of the model subdivision condition relating to clearance, including relating to Bushfire Management Plans that would result in the transfer of responsibility from any agency for the clearance of a subdivision condition, when that condition has been requested by that agency.

Budgetary Implications

Nil.

Background

On 14 March 2018, the Bush Fire Policy team at the Department of Planning, Lands and Heritage (DPLH) released revised Model Subdivision Conditions for comment via an email sent to Local Government and interested stakeholders from their bushfire policy subscriber list.

The proposed changes have been developed by DPLH in conjunction with Department of Fire and Emergency Services (DFES). The review of the conditions aims to streamline current work practices and to address known inconsistencies. The model conditions are also proposed to be re-numbered to group similar issues together, being bushfire and unexploded ordnance (UXO).

Comment

The interim submission focuses mainly on the changes to the Bushfire Planning subdivision conditions, as this is where the proposed changes will affect Local Government the most.

The main changes are the removal of DFES as a clearing authority for Bushfire Management Plans and other bush fire planning matters, which is not acceptable. If a Local Government does not want to clear these conditions, then the WAPC must also be the clearing agency, particularly if the involvement of DFES has now been removed. This will then align with the State Council resolution in March 2018, which does not support the change in DFES's approach to these subdivision conditions.

It has been pointed out in the interim submission that the 'consultation' via an email subscriber list does not align with the State and Local Government Partnership Agreement, as only those subscribing to the 'Bushfire Policy Subscriber' list would have received the information and invitation to comment.

Other suggestions in the submission include further clarity on how the conditions are implemented, as they are not entirely specific as to exactly how and why they are used. Without this clarity, they could be applied in circumstances that make them difficult to clear, or possibly be applied by the WAPC in inappropriate circumstances.

The public comment period closed on 11 May 2018, therefore an interim submission was prepared. Formal comments on the revised conditions were received from the City of Cockburn and Shire of Chapman Valley and this feedback was incorporated into the WALGA interim submission.

In accordance with State Council policy, the interim submission was referred to the Executive Committee for consideration. The interim submission was submitted to the WAPC to meet the public comment period deadline of 11 May 2018.

Attachment 5.2

Interim Submission – Model Subdivision Conditions

5.3 Interim Submission – Position Statement – Housing on lots less than 100m² (05-306-03-0062 CH)

By Christopher Hossen, Senior Planner – People & Place

Recommendation

That the interim submission to the WA Planning Commission on Position Statement – Housing on Lots less than 100m² be endorsed.

In Brief

- On 13 March 2018, the Western Australian Planning Commission (WAPC) released draft Position Statement – Housing on Lots less than 100m² (draft Position Statement) for public comment.
- The draft Position Statement aims to provide interim guidance for the location and development of houses on lots less than 100m² and an implementation mechanism to ensure a consistent application state-wide.
- The public comment period closed on the 14 May 2018, therefore an interim submission was prepared.

Attachment

Interim Submission – Position Statement – Housing on Lots less than 100m²

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

Policy Implications

Nil.

Budgetary Implications

Nil.

Background

The purpose of the Draft Position Statement is to provide interim guidance for houses on lots less than 100m² in development zones and an implementation mechanism to ensure a consistent application across Western Australia. The Position Statement is in response to a growth in interest in developing such housing products. In 2015, the Association and several Local Governments participated in a technical working group that worked to develop criteria and standards for consideration by the Western Australian Planning Commission (WAPC).

In response to the selective development of House and land packages on lots less than 100m² in the eastern states, a number of developers in Western Australia begun working in collaboration with Local and State Government to facilitate similar outcomes. The most prominent example being in Ellenbrook within the City of Swan.

With the growth of this housing typology expected, the State Government saw benefit in creating guidance to ensure consistent delivery of this housing product across the state. The State Government has advised that they will monitor and review the implementation of housing on lots less than 100m², with a view to including them in State Planning Policy 3.1 – Residential Design Codes (the R-Codes).

The draft Position Statement utilizes the following criteria to achieve its purpose:

- Establishing Location criteria;
- Establishing siting and configuration criteria; and
- Setting development standards that are consistent with the design principles of draft State Planning Policy 7 - Design of the Built Environment

Comment

The release of the draft Position Statement is generally welcomed by the Association. The draft Position Statement is a culmination of considerable consultation with various members of the Technical Working Group that included the Association. The Association strongly supports similar collaborative approaches to Government Policy changes now and into the future.

To date there has been a lack of clear guidance from the State Government to Local Government, the development industry, and the community, on the provision of lots less than 100m² in the Western Australian context. This document seeks to redress this omission and provide guidance for the inclusion of this development form within new residential areas zoned under 'Development' zones.

A number of Local Governments have over the past few years been working with the Department of Planning, Lands and Heritage (DPLH) and the development industry to deliver housing on lots less than 100m². These early attempts have been quite limited in scope and scale, and the eventual adoption of this draft Position Statement will see housing on lots less than 100m² become more ubiquitous, with the community more cognisant of their existence.

Whilst welcoming the State Government's attempt to develop an overarching guide, the Association through the Interim Submission raised concerns in relation to a number of aspects. There needs to be a better ground-truthing for the proposed framework and the proposed criteria for their development. The Association has identified a number of issues with how the structure plan process is to be used to facilitate this form of housing, as well as some concerns around the standards that are to be applied.

Importantly there appears to be a divergence from similar housing typologies that have been delivered in South Australia and Queensland; models that have been used to justify the development of this draft Position Statement. Further there is a strong reliance on deemed-to-comply standards, which is in total contradiction to the movement of the design-led outcomes as utilised in Volume 2 of draft State Planning Policy 7.3 and Design WA objectives.

With this being the first attempt to develop such a standard, the reliance on deemed-to-comply provisions is understandable. However, the combination of prescriptive standards combined with the apparent lack of ground-truthing of possible final housing products is likely to deliver either, the need to modify the Draft Position Statement in the near future, poor housing outcomes, or both.

There is a need to find a balance between not being overly prescriptive in the proposed standards so as to provide for housing design creativity, while at the same time ensuring that the rules and standards applied can result in housing that is generally acceptable to the wider population.

Comment was requested from Local Governments through the Association's Planning Improvement Portal. Feedback was received from the City of Cockburn and the City of Fremantle. The Interim Submission was presented to the Executive Committee for feedback prior to lodgement with the WAPC.

Attachment 5.3

Interim Submission – Position Statement – Housing on Lots Less Than 100m²

5.4 Policy for Restricted Access Vehicles on Roads Not on an Approved Network During Harvest (05-006-03-0004 ID)

By Ian Duncan, Executive Manager, Infrastructure

Recommendation

- 1. That WALGA support changes to the Harvest Mass Management Scheme to enable heavy vehicles that meet the requirements of RAV 2, RAV 3 or RAV 4 to travel on roads not assessed for the RAV network between paddocks and the nearest RAV route during the harvest period.**
- 2. Advocate that any roads assessed on the initiative of Main Roads that do not meet the requirements for addition to the RAV network at the level used under the Harvest Mass Management Scheme remain unassessed for the purpose of network definition.**

In Brief

- Heavy Vehicles that exceed prescribed dimensions and mass are defined as Restricted Access Vehicles (RAV) and are provided limited access to parts of the road network under Notice or Permit.
- The Harvest Mass Management Scheme, which provides additional tolerance in allowable gross vehicle mass for grain movements from paddock to receipt point was amended in 2016 to allow Restricted Access Vehicles to use roads not assessed for oversized vehicles in order to move between paddocks and the nearest RAV route.
- Main Roads proposes to amend the conditions under which Restricted Access Vehicles can operate on unassessed roads for the 2018/19 harvest.
- The proposed changes impose the added requirement on industry to provide an Agricultural Pilot when a RAV is using a road that has not been added to the RAV network. Main Roads have stated that the arrangements provided in the past two years cannot continue, based on advice received from the State Solicitor.
- It has been suggested by some Local Governments and industry representatives that the proposed changes are impractical for grains industry participants and in the medium term may negatively impact on the capacity of Local Governments to meet industry demands for on-going paddock access.
- Supporting the proposed changes will improve the safe operation of restricted access vehicles on low volume roads and enable survival of the scheme.

Attachment

Nil.

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

Policy Implications

Previous State Council resolutions related to this matter are:

Resolution 432.5/2008

The Association support the establishment of a concessional mass loading scheme of up to 10 per cent for grain, from paddock to grain receival points, with penalties for non-compliance in order to support rural agricultural communities (became known as the Harvest Mass Management Scheme (HMMS)).

Resolution 40.2/2011

The Association supports a defined network of preferred routes for heavy vehicles.

The matter considered in this policy extends the benefits to industry of the Harvest Mass Management Scheme.

Budgetary Implications

Nil.

Background

Temporary special access arrangements under the Harvest Mass Management Scheme (HMMS) were introduced for the 2016/17 harvest period. These arrangements allowed Restricted Access Vehicles (RAV) participating in the Harvest Mass Management Scheme to use Local Government roads that were not part of the RAV network, provided they used the most direct route from the paddock to the nearest road approved for RAV Network access.

Several Local Governments in the eastern wheatbelt strongly advocated for these arrangements to be introduced. From a grain industry perspective the additional heavy vehicle access helped alleviate the challenges of a forecasted record harvest. From a Main Roads perspective this provided a practical response to a significant backlog of RAV route assessments in the grain producing regions. From a Local Government perspective this relieved pressure to support the addition of new roads to the Restricted Access Vehicle (RAV) network, with works potentially required to make the roads and intersections comply with the network requirements.

During 2017 a consultation process with all stakeholders was undertaken to evaluate the success of the arrangements and to identify issues that needed to be addressed. Most Local Governments who participated in the consultation were supportive of “first mile” access for RAV’s being allowed on roads that are not part of the RAV network provided conditions applied to manage any adverse impacts on other road users and road infrastructure were effective. The issues needing to be addressed that were raised by Local Government included:

- Limiting access to roads not part of the RAV network to RAV 4 (and smaller) vehicles (27.5m long, 87.5 tonne Gross Vehicle Mass). Where the nearest road approved for RAV network access is a State or National highway these are typically approved for RAV 7 (36.5m long, 107.5 tonne Gross Vehicle Mass) trucks. This means that in many areas, the assessed roads that are most suited to heavy vehicles and carry the majority of the freight are limited to RAV 3 or RAV 4, while access for larger RAV 7 vehicles is permitted on less suitable roads, provided they have not been assessed.
- Limiting the distance able to be travelled as the “first and last mile”, bearing in mind that conditions require the vehicles to travel at less than 40 km per hour. It was reported that some “last mile” legs were more than 30 km from the nearest road approved on the RAV network.

Local Governments questioned whether they faced any increase in risk or liability as a result of the special access arrangements.

No changes were made to the special access arrangements under the Harvest Mass Management Scheme for the 2017/18 harvest.

Main Roads have recently advised industry and Local Government of the outcome of a review of the scheme arrangements. In responding to legal advice, Main Roads propose to amend the conditions associated with access to roads that are not included in the RAV network. The new conditions are:

- A minimum of one (1) Agricultural Pilot must accompany the RAV combination to facilitate the safe movement between the farm and the nearest RAV Network road; and
- The roads being used between the farm and the nearest RAV Network road must be listed on the Transport Operator's HMMS Approved Road List, which must be provided to the participating Grain Receiver, carried in the vehicle and produced upon request.

The other, continuing conditions are:

- must use the most direct route from the paddock to the nearest road approved for RAV Network access;
- must ensure the RAV combination departing the paddock is not a higher RAV category than the nearest RAV Network;
- must not exceed 40 km/h;
- must display an amber flashing light on the prime mover; and
- must obtain a bridge crossing permit from Main Roads WA for any bridges that are on these roads.

The Agricultural Pilot replaces the requirement for spotters which were previously required at intersections that the driver assessed as having inadequate sight distances. An Agricultural Pilot is defined in the *Heavy Vehicle Agricultural Pilot Authorisation* (November 2017). No training is required in order to be an Agricultural Pilot. However, a vehicle with suitable signage and driver is required.

Comment

The proposed changes to conditions for the 2018/19 harvest have been discussed at several Regional Road Group meetings and at the Local Government Agricultural Freight Group. The concerns raised to date are:

1. that it is impractical for transport operators to ensure that an Agricultural Pilot accompanies each vehicle between the assessed RAV route and the paddock; and
2. the possible implications for Local Governments from triggering assessments of roads listed on the Transport Operators HMMS Approved Road list that are not currently on the RAV network.

Local Governments are responsible for management of roads under their control. However, responsibility for providing access for vehicles that exceed the dimensions for right of access vehicles is held by the Commissioner of Main Roads.

While Local Governments are strongly supportive of economic development within their region, it is the responsibility of the agricultural industry and Main Roads, in their regulatory capacity, to demonstrate how the risks to other road users and to road infrastructure can be managed where large vehicles are using roads that have not been assessed as suitable.

It is likely that Main Roads will review the list of roads included in the Transport Operators' HMMS Approved road list that are not on the RAV network with the view of triggering an assessment of these routes in priority order. If the road is found to meet the criteria for addition to the RAV network then the Local Government would be requested to support (or not support) the addition of the road to the RAV network.

If a road being used by Restricted Access Vehicles under these arrangements is found not to meet all of the requirements for addition to the RAV network this may trigger an expectation from the

landholder and / or carrier that the Local Government will fund and undertake whatever work is necessary to enable the road to be added to the network. It is unknown whether this is economically achievable for the Local Government and a priority for limited resources.

One option to mitigate this risk to Local Government is that when a RAV assessment is completed and determines that the road should not be added to the network at the level currently being used, that it remain "unassessed." This could allow escorted access to continue under the HMMS.

Main Roads have made it clear that legal advice from the State Solicitor highlighted that operation of the scheme in its current form was not compatible with their obligations to operate a safe and sustainable network. Rather than removing RAV access to unassessed roads, the proposed changes have been developed to allow continuation of the scheme. The scheme provides a significant productivity benefit to the agricultural actor and it is recommended that the changes be supported because they enhance the safe operation of vehicles operating under the scheme and will increase the likelihood of the scheme continuing.

5.5 WA State Library Strategy Implementation Plan and Consultation Report (05-057-02-0051 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That:

- 1. The WA Public Libraries Strategy be endorsed; and,**
- 2. WALGA continue to advocate with Western Australia Public Libraries and key stakeholders to Department of Local Government, Sport and Cultural Industries to prioritise funding for implementation of the strategy.**

In Brief

- The provision of library services in Western Australia is governed through a formal agreement between State and Local Government, governed by the *Library Board Act 1951*, and formalised through a Partnership Agreement in 2009;
- In December 2017 the Minister for Art and Culture released the WA Public Libraries Strategy (the Strategy) to establish strategic priorities for public library development in Western Australia over the next four years
- The sector has been consulted throughout the development of the Strategy.; and,
- The Public Libraries Working Group requests the endorsement of the finalised Strategy by the WALGA State Council and Western Australian Public Libraries Board before advocating through to State Government for funding to be allocated.

Attachment

WA Public Libraries Strategy

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments
- Improve communication and build relationships at all levels of member Local Governments

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government
- Provide support to all members, according to need
- Represent the diversity of members' aspiration in the further development of Local Government in Western Australia
- Foster economic and regional development in Local Government

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government

Policy Implications

At the meeting of May 2018 the State Council resolved, *that the Association's contribution to the consultation process for the Draft WA Public Libraries Strategy be noted.* (Resolution 52.2/2018)

3.25 Investing in Communities

The Association supports Local Government initiatives and infrastructure that contribute to health and wellbeing of the community.

3.25.1 Community Infrastructure

The Association continues to advocate for better planning and support for community infrastructure and investment by the State, Commonwealth and private partners.

3.2.6 Public Libraries

The Association supports the provision of Public Library services in Western Australia through a formal partnership between Local Government and the State Government of Western Australia, government by the Library Board Act 1951.

Budgetary Implications

Nil.

Background

The sector has guided the prioritisation of strategies through WALGA's Vision 2025 and Framework for Strategic Action for Public Library Services in Western Australia and via Public Libraries Western Australia (PLWA). A Public Libraries Working Group has been established, with representation from WALGA and PLWA to coordinate, drive and promote the Strategy with key stakeholders.

Comment

The Public Libraries Taskforce conducted extensive consultation over a three month period and included workshops, meetings, forums, online survey that attracted over 1,300 responses of which 70% came from community. All results of the consultation period were in firm support of the five priority areas outlined in the Strategy.

Priorities for Elected Members highlighted the need for public library services to more closely align with the priorities of their local communities, while at the same time providing a flexible service that caters for a diverse community.

For Local Governments and library practitioners, the new Strategy and all efforts to implement it, need to demonstrate the value of public library services to the community was the outstanding priority. In doing so, 97% of respondents supported the adoption of ALIAs Guidelines, Standards and outcome Measures for Australian Public Libraries and 93% support a state wide subscription to Culture Counts.

There was unanimous agreement of the need for new models to support public library service delivery and regional and remote public libraries, with some respondents raising concerns relating to implementation that will need to be addressed in subsequent stages of the project.

Respondent Category	Number of Responses	Percentage of Responses
Local Government Elected Member	14	1.07
Local Government Officer	53	4.06
Public Library Manager	59	4.52
Public Library Staff Member	202	15.47
Community Resource Centre Representative	34	2.60
Community Member	873	66.85

*Other	71	5.44
Total	1306	100

* Summary of responses to online survey. The consultation Report can be viewed in full in the attached.

Some of these crucial challenges will be sourcing adequate funding and keeping up with technology. Together with responding to change, demonstrating value to decision makers, remaining relevant to community and skills and knowledge of staff, especially with technological advances, are the greatest foreseeable challenges for continued library service delivery into the future.

There are however many opportunities for innovation to manage change and drive service delivery. Many of the prospects involve collaboration and partnership opportunities for smarter and integrated service delivery together with redefining library facilities and community hubs. This together with improved training, greater access to technology and innovative services is identified as the most likely short to medium options for remaining competitive and relevant in this space.

Through the consultation there has been unanimous support for the need for new models to support public library service delivery and flexibility in the diversity to ensure the support for regional and remote services can continue to exist. Overall there is robust support for the Strategy and that funding and appropriate resources are required.

Item 5.5

WA Public Libraries Strategy

5.6 Aboriginal Heritage Act 1972 Review Submission to Stage 1 (05-032-01-0001 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That the submission to Stage 1 Review of the *Aboriginal Heritage Act 1972* be endorsed.

In Brief

- The Department of Planning, Lands and Heritage, (the Department), is conducting a review of the *Aboriginal Heritage Act 1972* (AHA);
- The AHA is the States' principal legislation enabling the preservation of Aboriginal cultural heritage places and objects;
- The Association formed a sector reference group to guide the review process and the development of a representative sector submission.

Attachment

Aboriginal Heritage Act 1972 Review Submission to Stage 1.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated.

Policy Implications

All Local Governments are bound by the *Aboriginal Heritage Act 1972*. The AHA has been reviewed previously in 2012.

The submission reflects the Association's related policy position.

3.18.3 Aboriginal Heritage Act 1972 and South West Native Title Settlement

The Association acknowledges Noongar peoples as the traditional owners of the land. Local Government is supportive of conserving and protecting the State's Aboriginal heritage.

Budgetary Implications

Nil.

Background

There have been several reviews of the AHA, with amendments gazette in 1981, 1995 and 2008.

The Hon Ben Wyatt MLA, Minister for Aboriginal Affairs, announced a review of the *Aboriginal Heritage Act 1972* (AHA), the legislation that guides the way the State Government protects Aboriginal heritage in Western Australia. The review aims to deliver a contemporary piece of legislation that:

- promotes the understanding and celebration of Aboriginal cultural heritage through the recognition of significant places and objects
- provides transparent and easy to understand processes that offer certainty and predictability for stakeholders
- provides high standards of protection for significant places and objects, while enabling land use.

The review will include three consultation phases:

Consultation Phase One: Release of the Consultation Paper.

Targeted questions on key aspects of the Act to help identify the main issues, any gaps in the legislation, and ideas on what modernised legislation should set out to do and how it should operate in the interests of all stakeholders.

Consultation Phase Two: Release of a Discussion Paper.

Feedback will be sought on a series of proposals on what new legislation should do, as well as some discussion points. This information will help with the drafting of an Exposure Draft Bill (Green Bill).

Consultation Phase Three: The Green Bill will be published for public consultation.

Feedback received during Consultation Phase Three will inform the preparation of a new Aboriginal Heritage Amendment Bill that will be introduced into Parliament.

Comment

It has become clear that elements of the AHA are no longer fit for purpose. The growth of Western Australia over the last 40 years has highlighted changes are necessary to better protect Aboriginal heritage. The Department conducted 40 workshops across the State and the Association liaised directly with a Local Government Sector Reference Group to inform the submission provided.

This submission is tabled and attached for State Council endorsement.

Item 5.6

Aboriginal Heritage Act 1972 Review Submission to Stage 1.

5.7 Interim Submission – Review of the State Industrial Relations System (05-034-01-0001 KP)

By Kate Pillai, Employee Relations Service Manager

Recommendation

That the interim supplementary submission in response to the Interim Report of the Review of the State Industrial Relations System be endorsed.

In Brief

- On 22 September 2017, the State Government announced the conduct of a Ministerial review into the State Industrial Relations system (Review).
- WALGA put forward an initial submission to the review in December 2017 as per the State Council resolution in March 2018.
- The Interim Report was published by the Review on 20 March 2018 and WALGA undertook further consultation with the Local Government sector including hosting a further Sector Reference Group consultation meeting and inviting written feedback to build on the representative sector position.
- The sector position opposed the Interim Report recommendation of the Review that Local Government be regulated by the State industrial relations system (recommendation 69).
- WALGA put forward an interim supplementary submission in response to the Interim Report in May 2018, further addressing the position of Local Government industrial relations regulation and transitional considerations for the State Government.
- WALGA now seeks State Council endorsement of the interim supplementary submission.

Attachment

1. [Review Terms of Reference](#)
2. [Interim Report – Ministerial Review of the State Industrial Relations System](#)
3. WALGAs Interim Supplementary Submission to the Review of the State Industrial Relations System.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

Policy Implications

The following policy position was endorsed by State Council in December 2016 (State Council Resolution 107.6/2016):

That WALGA:

1. Provide information and advice to Local Government to support their assessment of the appropriate industrial relations jurisdiction within which to operate; and
2. Advocate for modernization of the WA industrial relations framework with a view to achieve consistency with the predominant Federal industrial relations system.

Budgetary Implications

Nil.

Background

The Western Australian State Government has undertaken a review of the Western Australian Industrial Relations System. The review was undertaken by Mr Mark Ritter SC and the Member for Forrestfield, Mr Stephen Price MP, assisted with the review.

The review considered as part of the Terms of Reference (Item 8 - ToRs) whether Local Government employers and employees in Western Australia should be regulated by the State industrial relations system.

A total of 65 submissions to the Ministerial Review were initially received, including WALGA's initial submission in December 2017 as per the State Council resolution in March 2018, and the Interim Report was published on 20 March 2018.

Chapter 9 of the Interim Report addressed the interim position of the Review on item 8 of the ToRs regarding Local Government and proposed that Local Government employers and employees be regulated by the State industrial relations system (recommendation 69), together with supplementary recommendations about how the change will be facilitated.

The proposed recommendations on item 8 of the ToR regarding Local Government contained in the Interim Report are set out below:

69. Local government employers and employees be regulated by the State industrial relations system.

70. To facilitate recommendation 69 the State Government introduce legislation into the State Parliament consistent with s 14(2) of the FW Act that declares, by way of a separate declaration, that each of the bodies established for a local government purpose under the Local Government Act 1995 (WA) is not to be a national system employer for the purposes of the FW Act (the declaration).

71. If the declaration is passed by the State Parliament, the State expeditiously attempt to obtain an endorsement under s 14(2)(c) and s 14(4) of the FW Act by the Commonwealth Minister for Small and Family Business, the Workplace and Deregulation, to make the declaration effective (the endorsement).

72. As a counterpart to recommendation 70 the State enact legislation that has the effect, upon the endorsement, of deeming local government Federal industrial awards, agreements

or other industrial instruments to be State awards, agreements or other industrial instruments for the purposes of the 2018 IR Act.

73. If the endorsement is obtained, a taskforce be assembled and chaired by a representative of DMIRS and include a representative of the Department of Local Government, Sport and Cultural Industries, the WAIRC, the Western Australian Local Government Association, the Western Australian Municipal, Administrative, Clerical and Services Union of Employees, the Western Australian Municipal, Road Boards, Parks and Racecourse Employees' Union of Workers Perth, the State Solicitor's Office and a nominee of the President of the Law Society of Western Australia, to oversee, monitor, assist, facilitate and progress the transition of local government employers and employees between the Federal and State industrial relations systems.

Comment

Chapter 9 of the Interim Report of the Review provides a summary of the background in relation to the status of constitutional corporations and the jurisdictional confusion for Local Government under the current dual industrial relations framework and details the reasoning behind the proposed recommendations (pp515-556).

Specifically, the Review notes that Local Government is no ordinary corporation for the purposes of the legislative definition of a constitutional corporation due to its governmental function and undertakes an assessment of the industrial cases that have considered the jurisdictional status of Local Government in Western Australia and the Federal jurisdiction. The Review summarises the two main opinions at paragraph [1483] as follows:

Despite the fact most local councils in Western Australia are currently operating within the Federal industrial relations system, there remains, therefore, differing opinions about the constitutional status of local government. The two main opinions are:

- (a) It is unlikely that local government authorities are constitutional corporations, due to the nature of local government as a constitutionally required tier of government, that is a government body even though it may also undertake "trade".*
- (b) Local government authorities may be constitutional corporations, depending on the nature and extent of their trading activities.*

Further, the Review comments at [1497] that '[w]ithout High Court, or even IAC authority on the issue, it is likely that there will be continuing uncertainty as to the constitutional status of local government employers in Western Australia' and expresses the preliminary opinion that the State Government ought to now make a decision to end the uncertainty of the issue [1534].

The interim position of the Review is summarised in clause 9.11 of the Interim Report (p553-556) noting that it 'considers it would be preferable to try and end the jurisdictional uncertainty by bringing all local governments within the State system to the extent possible.' The concluding comments of the Review are set out below:

1564. The Review notes that the majority of local governments are currently operating within the Federal system. That however is based upon a particularly shaky premise; that the local governments are constitutional corporations. There is, in the absence of High Court authority, no certainty that they are. The Review considers there is strength in the collective views propounded by Mr Bennett in his High Court submission in the Work Choices case, in the reasons of Spender J in Etheridge Shire Council, the reasoning of the FWC in the Award Modernisation Case decision and the majority in the Shire of Ravensthorpe, to the collective effect that they are not constitutional corporations. In the interim position of the Review, that strongly supports the view the State should attempt to provide jurisdictional certainty, by way of a recommendation that local governments and their employees be regulated by the State system.

WALGA's supplementary submission is intended to supplement WALGA's initial submission and addresses the points above made by the Review in Clause 5. Industrial Relations Regulation of Local Government (p7-11) in opposing recommendation 69 of the Review.

WALGA now refers State Council to this discussion for consideration.

The balance of the supplementary submission deals with transitional considerations for the State Government in legislating in accordance with proposed recommendation 69 and further transitional implications for Local Government.

The following are the recommendations provided by WALGA in the interim supplementary submission:

- A. The current dual system of industrial relations regulation of the Local Government sector remain unchanged.
- B. State Government further consult with the Local Government sector regarding the cost and impact of the jurisdictional uncertainty under the current industrial relations regime to assess the need for change.
- C. If recommendation B identifies a need for further certainty, that discussions be held between representatives of all three tiers of government and other key stakeholders in the Local Government industry regarding how industrial relations certainty is best achieved for the Local Government sector in WA.
- D. No legislation is introduced to parliament to declare that Local Government is not a national system employer.
- E. The State Employment Standards (SES) be introduced as part of the 2018 IR Act consistent with recommendations 47 and 48.
- F. That any review of the casual loading be undertaken by the Western Australian Industrial Relations Commissions (WAIRC) or included as part of the SES, following consultation from interested parties.
- G. That unpaid Family Domestic Violence (FDV) leave be included in the SES.

If the State government implements proposed recommendation 69 pursuant to recommendations 70 and 71, it is further recommended that:

- H. Local Governments, and any applicable federally registered Agreements, transfer to the State IR system following introduction of the SES and that the Agreements are amended to incorporate the SES in place of the National Employment Standards (NES).
- I. Award modernisation be undertaken prior to Local Government's transition to the State IR System.
- J. The proposed modernisation of the State Local Government awards be aligned to the modern Local Government Industry Award 2010.
- K. The three types of bargaining agreements be reviewed and replaced with a single collective enterprise bargaining agreement in which the parties are the employer and employees, with the option of the union being a party.
- L. That the better off overall test replace the no disadvantage test.

M. The proposed taskforce composition be revised to include two Local Government Officers, to be appointed by WALGA in line with WALGA's Selection Committee process, and the CCI WA.

N. Any review of portability of entitlements between State and Local Government be considered as part of the current Local Government Act review process.

Summary

As outlined in the supplementary submission, WALGA is of the view that Local Government employers and employees in Western Australia should not exclusively be regulated by the State IR system and submits the recommendations within the supplementary submission for the consideration of the Review.

Item 5.7

WALGAs Interim Supplementary Submission to the Review of the State Industrial Relations System.

6. MATTERS FOR NOTING / INFORMATION

6.1 Report on Local Government Road Assets and Expenditure 2016/17 (06-007-03-0016 MB)

By Mark Bondiotti, Policy Manager Transport and Roads

Recommendation

That State Council note the Report on Local Government Road Assets and Expenditure 2016 /17.

In Brief

- The Report on Local Government Road Assets and Expenditure 2016/17 has been finalised.
- This Report provides information, statistics and trends on:
 - the length and types of roads and bridges managed by Local Governments;
 - sources of funding and the use of funds in expanding, upgrading, renewing and maintaining roads, paths and bridges;
 - actual expenditure relative to that needed to sustainably maintain the road network.
- The Report is intended to underpin advocacy for continued and increased Federal and State funding for Local Government roads and to support Councils wishing to benchmark aspects of their own roads programs with similar or neighbouring areas.

Attachment

Report on Local Government Road Assets & Expenditure 2016/17: Conclusions and Statistics Summary. (See attached).

The complete Report is available here. <https://bit.ly/2xJTIEr>

A hard copy of the full report has been distributed to all Local Governments.

Relevance to Strategic / Business Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

Background

The Report on Local Government Road Assets and Expenditure 2016/17 was produced by WALGA with assistance from the WA Local Government Grants Commission. The report provides information on the lengths and types of roads, paths and bridges and highlights trends in the data over the preceding five years. It includes statistics and trends on the funding sources and amount of Local Government expenditure on roads, paths and bridges. Details are provided on the allocation of expenditure between expansion, upgrade, maintenance and renewal of the network at a regional level and for individual Local Governments.

The expenditure statistics are analysed to provide comparisons of road preservation performance, net preservation needs and expenditure effort. These comparisons provide insight into the adequacy of funding and the difference between road preservation needs and current expenditure on road preservation.

Comment

Local Government is responsible for 127,708kms of roads with a replacement value of over \$25 billion, which makes up 87% of the State road network (excluding Forestry and National Park roads). Only 31% of these roads are sealed with a bitumen surface, the rest being gravel or unformed roads. In 2016/17 the total expenditure on Local Government roads was \$904.3 million and 49% of this was funded by State and Federal Government grants. Total annual expenditure increased \$35.4 million (4%) compared with the previous year. Six percent of this investment in roads in 2016/17 was to repair flood damage.

Much of the Local Government road network is now approaching the end of its design life and an increasing portion of funding is being spent on maintenance and renewal (collectively termed preservation). In 2016/17 expenditure on preservation made up 69.6% of the total spend and this figure has increased by 14.8% over the past five years.

An important objective of the report is to assess if road expenditure on preservation is keeping up with road preservation needs. This is determined by comparing actual annual expenditure on road preservation with the estimated amount needed to maintain the roads in their current condition in that year. The estimated cost of maintaining the Local Government road network in its current condition in 2016/17 was \$691.8 million and Local Governments spent \$575.5 million on preservation. There was therefore a shortfall of \$116.3 million in 2016/17. The shortfall for the past five years has averaged above \$100 million annually, which indicates that the average condition of the road network is deteriorating.

A further important objective is to assess the sustainability and capacity of Local Government to fund their road preservation requirements. For regional Local Governments, 68% of road expenditure is funded by State or Federal Government grants and for the Wheatbelt, this figure rises to 75%. On average, Local Governments spend 22% of their revenue capacity on roads. This illustrates the dependence on State and Federal funding and many regional Local Governments would have to spend almost their entire income on roads if this was the only source of funding.

The statistics and analysis presented in the report provides evidence for the level of expenditure required on Local Government roads and underpins the argument for sustainable funding to maintain and improve the condition and functionality of road network.

Item 6.1

Road Assets Expenditure Conclusions 2016-17 Report

6.2 ERA Draft Decision – Western Power Access Arrangement (05-049-03-0001 DM)

By Dana Mason, Policy Manager, Economics

Recommendation

That State Council note WALGA's response to the ERA's draft decision on the Proposed Western Power Access Arrangement 2017 to 2022.

In Brief

- The Economic Regulation Authority has released its draft decision on Western Power's proposed Access Arrangement for the period 2017 to 2022. The Access Arrangement will impact on the charges levied to Local Governments for electricity use, as well as the service standards for key activities such as street lighting.
- WALGA made a submission to the ERA which set out key issues for Local Government in the coming regulatory period. In large part, the issues raised by WALGA are not addressed in the ERA draft decision
- WALGA has written to the ERA requesting that it considers and responds to these matters in making its final decision on the Access Arrangement. WALGA has also arranged a meeting with the ERA to further discuss these issues.

Attachment

Letter to the ERA - Draft decision on proposed revisions to the Access Arrangement for the Western Power Network.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

Background

On 2 October, Western Power lodged its proposed Access Arrangement for the period 2017 to 2022 with the ERA. The Access Arrangement, which is subject to review every five years, sets out the terms and conditions (including prices) for third parties seeking access to Western Power's network.

The Proposal will impact on the charges levied to Local Governments for electricity use, as well as the service standards for key activities such as street lighting.

As the regulator, the ERA is responsible for approving the Access Arrangement, and determining how much revenue is required to enable Western Power to operate and invest in the network during the next five years. The ERA is currently seeking feedback on the draft decision.

WALGA prepared a submission which sets out the key issues for Local Government in the coming regulatory period. In large part, the issues raised by WALGA are not addressed in the ERA draft decision.

The key issues in the draft decision were as follows.

- The ERA's draft decision sets target revenue of \$7.38 billion that Western Power can earn over the five-year period. This is 5.6 per cent below the amount requested by Western Power in its proposed access arrangement.
- The ERA report outlines 91 amendments that are required before the Access Arrangement will be approved. Key amendments required are as follows.
 - Review revenue smoothing profile to avoid price shocks now and into the future;
 - Amend the proposal to transfer revenue between transmission services and distribution services
 - Remove awards and penalties for the services standard adjustment mechanism
 - Amend the price control to remove the correction factor for over or under recovery of revenue, and ensure forecast revenue recovery is based on customer numbers and forecasts in line with the approved AA4 submission
 - Remove two projects that are not likely to proceed from projected capital expenditure (CBD new substation and Picton-Busselton 132kV line)
 - Remove \$100 million forecast asset replacement and renewal expenditure which is not justified
 - Reduce proposed distribution network capital spending by \$135.1 million due to lower forecast demand and adoption of risk based asset management approach
 - Reduce corporate capital expenditure associated with new customer relationship software
 - Reduce operating expenditure to exclude \$28.3 million for Western Power's business transformation program and address inconsistencies associated with operational and capital spending on Supervisory Control and Data Acquisition
 - Reduce the weighted average cost of capital to 6%, reflecting changes to credit rating, gearing ratio, debt raising and hedging costs
 - New time of use tariffs should not be mandatory
- A comparison of the ERA's decision versus the draft proposal is below.

	Western Power Proposal	ERA Decision
Target revenue	\$7,817 million	\$7,380 million
Weighted average cost of capital	6.09%	6.00%
Capital base at the beginning of AA4	\$8,967 million	\$8,917 million
Forecast capital base at the end of AA4	\$10,414 million	\$9,962 million

Capital expenditure	\$3,515 million	\$3,048 million
Operating expenditure	\$1,805 million	\$1,696 million

In terms of the specific issues raised in WALGA's submission:

- The introduction of a Public Lighting Code was considered by the ERA to be outside the scope of the draft decision. The ERA did not recommend any changes to address the Association's concerns with services standards for street lighting such as light levels, spillage and contestability of public lighting maintenance.
- The ERA considered WALGA's concerns with tax liability on gifted assets, but determined that the provisions of the contributions policy that remain unchanged are still consistent with the requirements of the Access Code.
- WALGA's concerns about the treatment and recovery of tax on capital contributions were reflected in the draft decision, however the ERA deemed that there is no reason to vary its position on the treatment and recovery of tax on capital contributions when assessing Western Power's proposal for AA4.
- The ERA acknowledge the uncertainty surrounding street lighting tariffs, given that Western Power's approach is likely to change given the likelihood that failed lights will be replaced with LEDs, and also the potential for the Australian Government to ratify the Minimata Convention on mercury. The ERA expects an updated proposal from Western Power following the draft decision and it has indicated that it will consider the matters raised by WALGA in its submission in the final decision.
- The ERA has acknowledged the concerns raised by WALGA and others in relation to the the real costs and benefits from seeking to reduce peak demand needs and the responsiveness of customers to time of use tariffs. The ERA considers installing modern electronic devices with enhanced capabilities in new properties and when replacing old meters is consistent with good electricity industry practice however, expenditure for the communications network would need to be supported by a corresponding benefit to consumers to meet the requirements of the new facilities investment test. The ERA found that there were some inconsistencies in data across the information provided by Western Power on its advanced metering business case, and therefore requires the expenditure for the communication infrastructure to be removed from the forecast capital base.
- The ERA does not appear to have addressed concerns raised by WALGA in relation to the following areas.
 - Street lighting services to be examined by an independent body and benchmarked against other providers in the National Electricity Market to determine whether these are being delivered efficiently
 - Examination of the option to introduce Peer to Peer trading in the SWIS during the coming regulatory period.
 - Provision within the coming regulatory period to adopt a new metering type based on metering-grade chips within smart street lighting controllers and similar devices
 - The RAB is not adjusted to take into account changes in street lighting infrastructure when assets owned by Western Power move into Local Government possession and vice versa, which could provide an inaccurate reflection of the street lighting network.
 - Further transparency in relation to the components of asset charges for each type of luminaire.
 - Greater transparency and regulatory oversight in relation to customer-funded relocation or upgrade of Western Power assets.

- Discounting the cost of street lighting removal and upgrades that are customer funded by the recognised depreciation of the asset.

WALGA has written to the ERA requesting that it considers and responds to these matters in making its final decision on the Access Arrangement. WALGA has also arranged a meeting with the ERA to further discuss these issues.

Comment

It is disappointing that many of the issues raised by WALGA were considered outside the scope of the Access Arrangement, or were not addressed in the draft decision.

WALGA recognizes that street lighting represents only a small proportion of the Western Power network, however it accounts for a significant proportion of Local Government spending (approximately one third of energy expenditure). In this regard, a priority for the sector in the next Access Arrangement is to reduce Western Power's market power in relation to street lighting.

However, it is positive that the ERA is willing to engage with the sector particularly in relation to the transition to LED luminaires and the implications of the potential signing of the Minamata Convention.

WALGA will continue to engage with the ERA and other stakeholders on this issue and keep State Council informed on progress.

Item 6.2

Letter to the ERA

**Draft decision on proposed revisions to the Access Arrangement
for the Western Power Network.**

6.3 2017-18 State Budget (05-088-03-0001 DM)

By Dana Mason, Policy Manager, Economics

Recommendation

That State Council note the key outcomes for Local Governments in the 2018-19 Budget.

In Brief

- The 2018-19 Budget continued the Government's focus on fiscal repair and the implementation of initiatives announced in last year's budget. However, new measures to improve fiscal conditions were announced including household cost increases. Of particular note for Local Governments is the 10.1% increase in the Emergency Services Levy, which will be used to fund a record investment in Emergency Services including the establishment of a new rural fire service.
- The Budget notes the ongoing negotiation of a new State Road Funds to Local Government Agreement, with 20% of vehicle licencing fees shown as the funding basis in coming years. However, vehicle licence revenue across the forward estimates is now expected to be lower than previous estimates, which would impact Local Government's share of this pool in dollar terms.
- There were also some positive announcements, with a number of Local Governments receiving grants for road projects, and funding directed towards a range of infrastructure and other local community projects.

Attachment

WA State Budget Summary 2018

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Promote WALGA's supplier agreements to assist Local Governments.

Background

The State's financial position is expected to improve across the forward estimates, with the budget on track to return to surplus by 2020-21. However, with deficits still expected in the short term, the Government has remained firmly focused on the task of fiscal repair.

Against this backdrop, it's not surprising that there were very few new spending commitments. A summary of the requests in WALGA's Pre-Budget Submission versus funding commitments contained in the 2018-19 Budget is below.

Request	New funding sought	Met?	Budget Commitment
<p>Spending cuts to address the structural challenges facing the budget position.</p> <p>No cost shifting onto Local Government.</p> <p>Stakeholders consulted as part of any spending cut decisions.</p>	Nil.	Met.	<p>The Budget continued to implement its fiscal repair measures, which has seen spending growth contained to just 0.9% in 2018-19 and 1.2% across the forward estimates.</p> <p>On the face of it, fiscal repair measures do not appear to have shifted further costs to Local Government.</p> <p>The Government has also resorted to tax increases and fees and charges to improve the budget position.</p>
<p>Ongoing funding sources for Local Government to be maintained at current levels, specifically:</p> <ul style="list-style-type: none"> • State Road Funds to Local Government Agreement • Road Trauma Trust Account support for RoadWise • Community Sport and Recreation Facilities Fund • Local Government Grants Scheme • Public Libraries 	Nil	Partially Met	<p>The key funding sources outlined by WALGA's submission have been retained in the 2018-19 Budget.</p> <p>Although the budget notes the ongoing negotiation of a new State Road Funds to Local Government Agreement, with 20% of vehicle licensing revenue notionally set aside in the Budget Papers, the total amount of funding is likely to be less than previously expected in dollar terms. This is because vehicle licence revenue across the forward estimates is now expected to be \$32.5 million lower than</p>

			projected by Treasury in last year's budget – despite the decision to increase vehicle licensing charges. If these projections are to eventuate, this would mean that Local Governments' 20% share of this revenue pool would be \$7 million lower across the next three years compared with previous estimates.
<p>Funding to continue at current levels for programs that have been identified as community priorities. Specifically:</p> <ul style="list-style-type: none"> • Country Local Government Fund – capacity building • Exploration Incentive Scheme • Community Resource Centres • Regional Visitor Centre Sustainability Grant Program • Regional telecommunications infrastructure • Community crime safety prevention initiatives • Community pools revitalization plan • Mental health • Ageing in place • Southern Inland Health initiative • Run off road crashes • Perth Bicycle Network and Regional Bicycle Network Grants programs. 	Nil	Partially Met	<p>While funding appears to be unchanged for a number of these initiatives, others were adjusted in the 2018-19 Budget.</p> <ul style="list-style-type: none"> • Capacity building funding will be discontinued from 2018-19 onwards. • The Exploration Incentive Scheme will continue, but is to be funded by an increase in rents on mining tenements over the next two years. • Funding for Community Resource Centres will be cut to \$8 million per annum (from \$13 million per annum) from 2018-19. • \$0.5m in funding for Community Pools Revitalisation Fund has been retained in 2017-18. • A number of new mental health initiatives were announced, including the Step up/Step down facilities in Geraldton and Kalgoorlie. • A further \$5.3 million has been

			allocated in 2021-22 to continue the WA Bicycle Network and Bike Boulevards grant programs.
<p>Retargeting existing pending to deliver better value for money in key areas of spend.</p> <ul style="list-style-type: none"> • Local Government Grants Scheme • Training for Volunteer Firefighters • Bushfire risk management plans • Waste Avoidance and Resource Recovery Levy • State CCTV strategy • Child Health Clinics 	Nil.	Not met.	There was no specific commitment to re-target any of the funding areas identified.
Progress the Review of the <i>Local Government Act 1995</i>	Not specified	Met.	The Budget Papers note that the Department is working to deliver on key legislative commitments including the review of the <i>Local Government Act 1995</i> .
Introduction of a Container Deposit Scheme	Not specified.	Partially met.	While the Government has held firm on its commitment to introduce a Container Deposit Scheme, the initial establishment costs do not appear to be funded by the Waste Avoidance and Resources Recovery Levy as requested in WALGA's submission.
Funding for Local Government public health plans	Not specified.	Not met	Not funded
Infrastructure plan for WA	Not specified	Met.	The Budget contained funding of \$15.3 million

			across the forward estimates for the establishment of Infrastructure WA, which will be tasked with developing a long term infrastructure plan for the state.
Direct the Economic Regulation Authority to conduct an Inquiry into Local Government fees and charges.	Reprioritisation of funding from within the ERA's budget.	Not met.	Not funded.
Strengthen the Integrated Planning and Reporting Framework.	Not specified	Not met	Not funded.
Finalise and implement the Perth and Peel Growth Plan.	Not specified.	Not met.	In April 2018, the Government announced that it would suspend work on the Strategic Assessment of Perth and Peel until a critical review of the costs, risks and benefits is completed.
Develop measurable wellbeing outcomes for WA	Not specified.	Not met.	Not funded.

Further to these commitments, there were a number of other announcements of interest to Local Governments, as detailed in the WA Budget Summary 2018 attached.

Comment

The expected improvement in the budget position reflects favourably on the Treasurer's commitment to budget repair and WALGA's own call for the Government to get the economic settings for WA on track. It will be important that the Government remains firm on these commitments to ensure that these outcomes are delivered.

Initiatives to improve fiscal conditions also include household cost increases and a number of these will impact Local Government.

The Budget notes the ongoing negotiation of a new State Road Funds to Local Government Agreement. Continuation of the existing 20% of vehicle licensing fees is shown as the funding basis for the out years. However, vehicle licence revenue across the forward estimates is now expected to be \$32.5 million (1.1%) lower than projected by Treasury in last year's budget – despite the decision to increase vehicle licencing charges. If these projections are to eventuate, this would mean that Local Governments' 20% share of this revenue pool would be \$7 million lower across the next three years compared with previous estimates. This doesn't meet our expectations for the sector and highlights the need for continued advocacy to the Government.

spending contained in the budget is directed towards delivering priorities identified by local communities.

There were also some positive announcements, with a number of Local Governments receiving grants for road projects, and funding directed towards a range of infrastructure and other local community projects. It is also pleasing that the State Government is working with the Commonwealth to access additional infrastructure funding.

WALGA is working through the detail of the budget and will keep the sector informed of any implications for Local Government.

Item 6.3

WA State Budget 2018

6.4 Research on Verge Permit Fees and Bonds (05-036-03-0061 VJ)

By Vanessa Jackson, Policy Manager, Planning and Improvement

Recommendation

That State Council note the review undertaken by the Growth Alliance Perth and Peel (GAPP) Local Governments in regards to verge permit fees and bonds.

In Brief

- Over the last few years, the Building Industry have complained about the multitude of different approaches from the Local Government sector in regard to verge permit fees and bonds, predominately for single residential development.
- The Growth Alliance Perth and Peel (GAPP) Local Governments initiated a review of the existing verge permit fees and bonds, to determine whether a standardised approach could be achieved.
- The GAPP Councils agreed to a standardised approach in the application of a rental charge, permit or inspection fee and/or bond for the verge area.

Attachment

Attachment - Review of Fees and Bonds 2016-2017

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Provide support to all members, according to need;

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Develop simple and consistent messages that are effectively articulated.

Background

The Growth Alliance Perth and Peel (GAPP) comprises the Chief Executive Officers (CEOs) from the ten (10) Outer Metropolitan Councils of Perth and the Peel Region experiencing rapid population growth through development of new greenfields sites for housing and industrial land. It includes the CEOs from the Cities of Armadale, Cockburn, Gosnells, Kalamunda, Kwinana, Mandurah, Rockingham, Swan, Wanneroo and Shire of Serpentine-Jarrahdale.

At its meeting held on 19 October 2017, it was agreed that a research paper be prepared to provide a common standard, or approach, to verge permit fees and bonds following complaints from the Building Industry, specifically the variability in the fees, charges and bonds being applied by different Local Governments.

The Association assisted in this research, compiling the various approaches to verge permit fees and bonds applied by 32 Local Governments across WA in the 2016-17 financial year (attachment).

This assessment shows that Local Governments are taking four broad approaches to building activities which impact on verges and public infrastructure.

Approach
1. No charges applied
2. Rental charge applied only (sqm/month)
3. Permit or inspection fee applied
4. Both fee and bond applied

Comment

Local Government street verges, or road verges, are often used by builders to store construction materials, equipment and waste during the construction process, often leading to damage to kerbs, drainage and street trees, or obstruction to public walkways. In other cases, heavy equipment and vehicles used during construction or demolition may damage footpaths, storm water drainage and verge infrastructure, resulting in maintenance or repair costs falling on Local Governments and ultimately, rate payers.

Local Governments have implemented various verge use permit systems and policies including differing fees and performance bonds, to ensure the cost of repairing public infrastructure is met by those causing the damage. Indeed, the underlying philosophy behind the requirement to obtain verge permits and the collection of bonds is that the cost of damage to public infrastructure should be borne by the developer who causes the damage.

An analysis of the approaches is made even more complex because some Local Governments will charge a verge rental, in conjunction with a permit or inspection fee (approaches 2 and 3), while some will charge verge rental, in conjunction with a verge permit or inspection fee and a bond (approaches 2, 3 and 4).

The GAPP considered that there are two options going forward: -

- The first would be to recommend a reduced number of approaches or to reduce the potential to combine approaches. Based on the diversity of current approaches, and the extent of change required if some approaches were recommended for abolition, this is not preferred.
- The second option would be to standardise amounts charged under the various approaches. This is the preferred approach of the GAPP members, as it should involve less change.

The current approach of some Local Governments, which involves not charging any fee or bond, would, of course, remain as is.

The GAPP Local Governments then considered the current charges under the various approaches, which are shown in the following table: -

Approach	\$ Low	\$ High	\$ Mean	\$ Mode	\$ Recommendation
Rental Charge	1	5	1.88	1	1
Permit or inspection fee	50	500	178	100 & 110	150
Bond	400	6,000	2,547	1,000	2,000

At the GAPP meeting on the 12 April 2018, the member Local Governments agreed to the recommended amounts as a standard for single residential development in the 2018/19 financial year, where a rental charge, permit or inspection fee and bond is proposed to be applied (although of course, each Local Government must consider the risk exposure for public infrastructure arising from adjacent development within their District to determine whether the GAPP Local Government's recommended standardised verge fees and bonds are suitable for their operations).

In light of the GAPP Local Government's resolution, the group of Local Governments have suggested that these recommended amounts for rental charges, permit or inspection fees and bonds should be promoted to all Local Governments as a sector standard for single residential development

(acknowledging that individual Local Governments are under no obligation to adopt the standards and, for those Local Governments with no charging regime, no changes are proposed).

This proposal may assist in standardising the approach for single residential development, and decrease criticism received from the Building Industry about inconsistencies in this aspect of development and approvals processes.

The GAPP Local Government's review of verge fees and charges for verge fees and bonds also requires consideration in light of the current review of the *Local Government Act 1995*, as the Association's endorsed policy position on Imposition of Fees and Charges [s.6.16] is as follows: -

That a review be undertaken to remove fees and charges from legislation and Council's be empowered to set fees and charges for Local Government services.

Attachment – Review of Fees and Bonds 2016-2017

Local government	Permit or inspection fee	Rental (\$/sq.m. /mth)	Refundable bond	Bond threshold / permit conditions	Other fee or bond relevant to building application
City of Armadale	\$500 Admin fee Bond varies min \$300	Nil	\$400	Single dwelling	<ul style="list-style-type: none"> Stormwater permit - \$130 Stormwater bond - \$1000-\$2000 Footpath and Kerbing security deposit bond \$530 (includes admin inspection fee)
			\$1000	For 5 or fewer dwellings per annum.	
			\$2000	For more than 5 dwellings	
Shire of Augusta Margaret River	Nil	Nil	Nil	Nil	<ul style="list-style-type: none"> Re-sited Dwellings \$6540 Commercial and Industrial @ \$250 per metre min \$2,000.00 Extractive Industry; Processing and Tourist Developments in Rural Areas @ 1% of project min \$2,000.00
City of Bayswater	\$150	Nil	\$900	Building work >\$20,000	
City of Belmont	\$104	\$1	Nil	Nil	
City of Bunbury	\$50	Nil	If required	Damage Bond – discretionary <ul style="list-style-type: none"> approximately \$1,000 may be charged for developments similar to a house construction or smaller \$2,000 for multiple houses or larger Commercial or similar construction types will be calculated upon application and assessment 	
City of Busselton	Nil	Nil	Nil	Nil	<ul style="list-style-type: none"> Demolition Licence - Performance Bond for site clean-up and verge bond \$432
City of Canning	\$220	Nil	Nil	Nil	

Town of Cambridge	\$110	\$5	\$700	For \$20,000 -100,000 in works, other charges are in bands: - <ul style="list-style-type: none"> \$100,001 - \$500,000 (Works Bond \$1,500.00 - Administration Fee \$220.00) \$500,001 - \$1,000,000 (Works Bond \$2,500.00 - Administration Fee \$220.00) \$1,000,001 - \$5,000,000 (Works Bond \$5,000.00 - Administration Fee \$220.00) \$5,000,001 - \$10,000,000 (Works Bond \$10,000.00 - Administration Fee \$220.00) Greater than \$10,000,000 (Works Bond \$25,000.00 - Administration Fee \$220.00) 	Verge Street Tree Preservation Bond Residential Developments – for all street trees Works Bond \$1,000.00 - Administration Fee \$25.00
Town of Claremont	Included in building permit	Nil	\$1000	Building work <\$50,000	
			\$3000	Building work >\$50,000	
			\$5000	Lakeway area and demolition work	
City of Cockburn	Nil	Nil	Nil	Nil	Nil
Town of Cottesloe	\$90	\$1	Nil	Nil	
City of Fremantle	\$65	Nil	\$2000	Nil	For demolition permits \$3 000 A verge protection bond of \$2 000 may be required for obstruction permits.
City of Geraldton			\$52 per linear metre	Kerbing	
			\$162 per linear metre	Pathway	
City of Gosnells	\$260	Nil	\$2000	Single residential development	<ul style="list-style-type: none"> Inspection following reconstruction \$81.50 Permit to conduct works in or temporarily occupy a reserve \$182.70
			\$5000	Any other development	
City of Joondalup	Nil	\$1	Nil	Nil	<ul style="list-style-type: none"> Footpath deposit \$300 (if applicable)
Shire of Kalamunda	\$115	Nil	\$2500	Single street frontage	
			\$4000	Multiple street frontage	
City of Kalgoorlie Boulder	Nil	Nil	Nil	Nil	<ul style="list-style-type: none"> Commercial charges only for verge use Demolition permit Bond Payment – Commercial - \$150.00 per m2 to a max of 15 mtrs Bond Payment – Residential \$152.25per meter to a max of 10 mtrs

					<ul style="list-style-type: none"> Materials on Street – Licence - \$1.05 per month or part of for each m2
City of Karratha	\$80		\$500	\$100 Inspection fee < \$20,000 \$150 Inspection fee swimming pool \$200 Inspection fee single dwelling \$500 Inspection fee Commercial/Multi res	
City of Kwinana	\$164	\$1	Nil	Minimum 12 months rental	
City of Mandurah	Nil	\$1	Nil	Nil	
Town of Mosman Park	\$239	Nil	\$5000	Single street frontage	
Shire of Mundaring	\$220 Inspection \$125 Licence		\$1000		Licence to deposit building material on/or excavate near a street
Shire of Murray	Nil	Nil	Nil		
City of Nedlands	\$240	Nil	Nil	Renovations, 12 months	
	\$480	Nil	Nil	Construction, 24 months	
City of Rockingham	\$139 per day	Nil	Nil		Footpath/Kerbing Inspection Fee \$72.80
Shire of Serpentine - Jarrahdale	\$277	\$1000 + \$20	\$2000		<ul style="list-style-type: none"> Stormwater inspection \$154 Verge inspection \$247.50 Materials on Road Reserve \$277.20
City of South Perth	\$110	\$4	\$500	Single House - Minor Works < \$12,000	
			\$2200	Single House - Works > \$12,000	
			\$3000	Up to 3 Grouped Dwellings or Single House on Corner Lot	
			\$4400	More than 3 Grouped Dwellings or Commercial Developments	
City of Stirling (work >\$20,000)	2 x \$100	Nil	\$1500	No trees	
			\$3000	One tree up to \$6000 value	
			\$6000	One tree over \$6000 value	
			+\$1000	For each additional tree	
City of Swan	Nil	Nil	Nil	Nil	\$1000 Footpath deposit for demolition works
Town of Victoria Park	Nil	Nil	Nil		
City of Vincent	\$76			Verge Tree Preservation Bond <ul style="list-style-type: none"> Tree less than 5 years old \$1,500.00 Tree 5 to 10 years old \$3,000.00 Tree over 10 years old \$5,500.00 Non-refundable Administration Fee \$75.00	
	\$100	Nil	Nil	Building work <\$5000	

City of Wanneroo			\$2000	Building work >\$5000	
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Tree removal costs are variable – based on tree heights, removal and replacement calculation, or if traffic management is required

6.5 Independent Planning Reform – Green Paper (05-047-02-0015 VJ)

By Vanessa Jackson, Policy Manager, Planning and Improvement

Recommendation

That State Council note the release of the Independent Planning Reform Green Paper and the consultation currently being undertaken with members.

In Brief

- In December 2017, the Minister for Planning commissioned an independent review of the planning system. On 25 May 2018, a Green paper was released to outline the proposed changes to the planning system.
- Consultation with all stakeholders, including Local Government, is being undertaken in June to assist in outlining the proposed changes in the Green paper.
- As the deadline for submissions is 20 July 2018, an interim submission will be prepared.

Attachment

The Green Paper *Modernising WA's Planning System: Concepts for a strategically-led system* is available at <https://www.planning.wa.gov.au/Planning-reform.aspx>

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

Background

The Minister for Planning, Hon Rita Saffioti, commissioned an independent review of the planning system to identify ways to make it more efficient, open and understandable to everyone. On 25 May 2018, a Green Paper was released, developed by the Planning Reform team led by Evan Jones, proposing five key reform areas – strategically-led, legible, transparent, efficient and delivering smart growth. The key recommendations in each of these reform areas, as outlined in the Reform Team's documentation, are outlined below:

Key reform 1: A Strategically-led planning system

- Require local governments to maintain up-to-date local planning strategies in consultation with their communities, and to review the strategy prior to a scheme amendment.
- Amend the Planning and Development Act to make strategic planning for sustainable development the purpose of planning in Western Australia.
- Develop a new State Planning Policy that defines sustainable development and decision-making for sustainable outcomes.
- Require local governments to prepare a local housing strategy to show where growth will be accommodated and what types of housing are needed.

Key reform 2: A legible planning system

- Consolidate State Planning Policies into a single concise framework with easy-to-understand guidance.
- The links between State Planning Strategy and State Planning Policies, and local planning strategies and schemes should be strengthened and made clear and understandable.
- Define common strategic elements for the State planning framework and require all planning documents to be organised around these elements.
- Require all local planning schemes, strategies and policies to be published in a single, easy-to-navigate, standardised format, to be known as a Comprehensive Local Planning Scheme.
- Reduce red tape for business by standardising land use permissibility for the most commonly-used zones.

Key reform 3: A transparent planning system

- Develop a Community Engagement Charter to require contemporary community engagement practices, with a focus on community involvement in developing the vision and strategic plans.
- Provide reasons for decisions on planning proposals and develop a guideline for planning decision-makers.
- Require local governments to report on their performance in undertaking planning responsibilities, including decision-making timeframes and outcomes, and the status of their local planning strategy and scheme.

Changes to Development Assessment Panels (DAPs)

- Schedule DAP meetings at regular times to improve accessibility.
- Require each DAP meeting to be recorded and made available on the DAP website.
- Require the DAP to provide reasons for all of its decisions.
- Create more flexibility in DAP processes for proposals which seek significant variations, to enable better scrutiny and to provide for advice and input from community and stakeholders.
- Require proposals amended as a result of a SAT mediation process be readvertised unless fully compliant.
- Appoint a Presiding DAP Member with responsibility for monitoring, advising and mentoring DAP members.
- Draw specialist DAP members from a state-wide pool of members based on the nature of application being heard.
- Provide that new specialist members be included when SAT invites the DAP to reconsider a decision, to ensure fresh consideration of the proposal.
- Encourage the SAT to prepare a framework that allows third parties with a strong interest to be considered during SAT mediation of DAP matters.

Key reform 4: An efficient planning system

- Use a track-based approach to assess regional scheme amendments, local strategies and local structure plans/activity centre plans.
- Provide a process for decision-makers and applicants to collaborate during the assessment process, including formal pre-lodgement advice.
- Create rules for efficient referral of planning matters.
- A maximum timeframe for decision-makers to request additional information from applicants.
- Provide for up-front agreement on the scope and content of Local Structure Plans.
- Require that Structure Plans and Activity Centre Plans be read as part of the scheme to provide greater certainty to the community and applicants.
- Create a maximum 30-day planning approval process for single houses proposals with only minor variations to the Residential Design Codes.
- Incorporate development contribution schedules in Comprehensive Local Planning Schemes.
- Require local government to report on administration of development contributions

Key reform 5: Planning for connected smart growth

- Arrangement for the planning and delivery of key infill locations in partnership with local governments and other agencies.

- State Government to provide local governments with advice on forward planning of State infrastructure.
- WAPC to assume a leadership role and collaborate with local government for planning of priority infill areas and assist with land use and infrastructure coordination.
- WAPC to prepare a new Consolidated and Connected Smart Growth State Planning Policy to guide planning and delivery of smart growth.
- Elevate Liveable Neighbourhoods to a State Planning Policy.
- Provide for an Industrial Deferred Zone in the Metropolitan Region Scheme to plan effectively for future economic activity.
- Ensure that arrangements for provisions of State infrastructure are in place prior to permitting development in Urban or Industrial Deferment zones.
- Include Urban Corridor as a road category in the Metropolitan Region Scheme, requiring a coordinated transport response for planning proposals within urban corridors.

Comment has been invited on the Green Paper, with the feedback going to be used to inform a White Paper which will be provided to Government for formal consideration. Submissions will close on Friday July 20, 2018. The Green paper is a discussion paper and does not commit the State Government to adopt the proposals.

The release of the Independent Planning Reform Green Paper is welcomed, as several WALGA resolutions have been made over the last few years, requesting an independent review be undertaken prior to any additional reforms being initiated. An Independent Review of the Planning System was raised at the August 2016 WALGA Annual General Meeting, and further considered at the WALGA State Council meeting on the 7 December 2016 (RESOLUTION 108.6/2016): -

1. *That WALGA request that the Minister for Planning initiate an independent review of decision making within the WA planning system, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process, that gives consideration to;*
 - a. *How the aspirations or values of the community are incorporated into the decision making framework;*
 - b. *What improvements are required to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;*
 - c. *Ensuring that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;*
 - d. *The erosion of the role of Local Government in planning for their communities; and*
 - e. *How the community can be better engaged in the metropolitan planning process.*
2. *That WALGA undertakes research on third party appeals around Australia and further consults with members regarding the current policy position.*

The request for an Independent Review was also considered within the review of Third Party Appeal Rights in Planning at the WALGA State Council meeting on 8 September 2017 (RESOLUTION 92.9/2017) :-

- (4) *WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.*

Comment

The Independent Planning Reform team have advised that the Green Paper is to facilitate discussions on the problems and issues with the existing planning framework and the key areas of possible reforms, however, the list is not exhaustive. Additional commentary and recommendations are encouraged for any other possible reforms that are needed to improve the planning system.

The Independent Planning Reform Team has requested WALGA's assistance to discuss the changes recommended in the Green Paper with the Local Government sector. The following sessions have been arranged by WALGA: -

- 11 June Presentation from the Reform team via a webinar for Regional Local Government Planning Officers
- 12 June Meeting with Inner Metropolitan Local Government Planning officers
- 12 June Meeting with Outer Metropolitan and Peel Local Government Planning officers
- 29 June Information session for Mayors, Presidents and Elected members hosted by the City of South Perth, with Webinar facilities for regional Elected Members.

As the deadline for submissions on the Green paper is 20 July 2018, an interim submission will be prepared to meet the deadline. The draft WALGA interim submission will be prepared before the end of June and circulated via the Association's Planning Improvement Portal (www.walgapip.ning.com) seeking any additional comments and improvements.

Any feedback for inclusion in the submission on the Green paper can also be sent to planning@walga.asn.au or by calling one of the Planning team on 9213 2000.

6.6 Update on the Noongar Standard Heritage Agreement for Local Government (05-032-01-0001 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

That State Council notes the update on the Noongar Standard Heritage Agreement for Local Government.

In Brief

- Since June 2015, State Government departments and agencies are required to enter into a Noongar Standard Heritage Agreement (NSHA) with South West Aboriginal Land and Sea Council (SWALSC) when conducting an Aboriginal Heritage Survey in any South West Native Title Settlement (SWS) Agreement area.
- Department of Planning, Lands and Heritage (DPLH), Department of Premier and Cabinet (DPC) Land Approvals and Native Title Unit, SWALSC and WALGA are working together to develop a suitable Local Government specific Noongar Heritage Agreement template.
- WALGA procured the services of a suitably appointed supplier with specialist expertise in native title and Aboriginal heritage, planning, environment and local government law.
A final draft of the template has now been produced and is being reviewed by identified stakeholders before seeking final approvals

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments
- Improve communication and build relationships at all levels of member Local Governments

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government
- Provide support to all members, according to need
- Represent the diversity of members' aspiration in the further development of Local Government in Western Australia
- Foster economic and regional development in Local Government

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated

Background

Since 8 June 2015, State Government departments, agencies and other authorities and instrumentalities that are identified by the State Government are required to enter into a Noongar Standard Heritage Agreement (NSHA) with South West Aboriginal Land and Sea Council (SWALSC) on behalf of the relevant South West Native Title Settlement (SWS) Agreement group, when conducting an Aboriginal Heritage Survey in any SWS Agreement area.

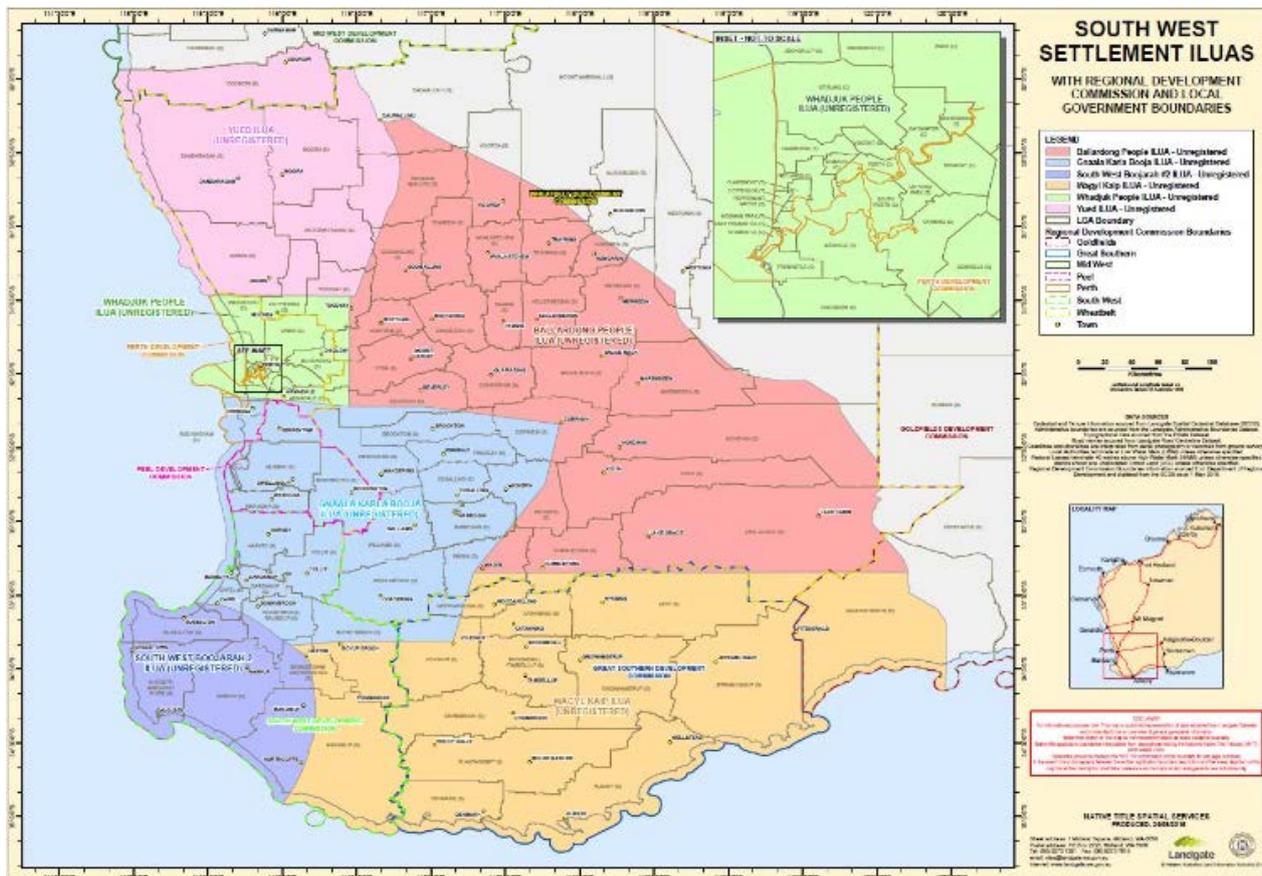


Figure 1: South West Native Settlement ILUAs <https://www.dpc.wa.gov.au/swnts/Pages/default.aspx> is the largest and most comprehensive agreement to settle Aboriginal interests over land in Australia. It involves six Noongar Native Title Agreement Groups, covers 200,000 square kilometres of land and incorporates 103 Local Governments.

At the same time, Department of Mines, Industry Regulation and Safety (DMIRS) has also implemented a heritage protocol on all new mineral and petroleum titles (including over freehold land) requiring a Heritage Agreement or NSHA before tenement holders can exercise rights in the six Indigenous Land Use Agreement (ILUA) areas.

An ILUA can be:

- over an area where a native title has, or has not yet, been determined
- entered into regardless of whether there is a native title claim over the area or not
- part to the native title determination or settled separately from a native title claim

And cover topics such as:

- native title holders agreeing to a future development
- now native title rights coexist with the rights of other people
- access to an area
- extinguishment of native title
- compensation
- employment and economic opportunities for native title groups
- cultural heritage
- mining

When registered, ILUAs bind all parties and all native title holders to the terms of the agreement.

Between June 2015 and February 2018 there have been 175 NSHAs (including 36 government) and 21 alternative Heritage Agreements executed and approximately 238 conditions currently placed on DMIRS titles.

Local Governments are currently not bound by the SWS Agreement and will need to determine if the NSHA is suitable for their needs and complies with the organisations policy and regulations. However it is the preferred position of SWALSC, for all land users to enter an NSHA prior to undertaking heritage surveys.

In the best interest of all key stakeholders DPLH, DPC, SWALSC and WALGA have been working together to develop a Local Government specific Noongar Standard Heritage Agreement template that may be applied to all applications in the SWS Agreement area.

In April 2018, WALGA procured the services of a suitably appointed supplier with specialist expertise in native title and Aboriginal heritage, planning, environment and local government law.

A final draft of the template has now been produced and is being reviewed by identified stakeholders before final approvals before seeking final approval and endorsement by State Council at the September meeting.

Comment

The Association see the following benefits of a Local Government specific NSHA template for the SWS Agreement area, namely:

- facilitates the protection and preservation of Aboriginal Sites and Objects in accordance with the *Aboriginal Heritage Act 1972* (AHA) (currently under review)
- NSHAs provide a clear process for engagement with the Aboriginal community about activities that may impact Aboriginal heritage sites, and a structured framework for when and how Aboriginal Heritage surveys will be conducted across the SWS Agreement Area
- NSHAs assist in compliance with the AHA, and ensure the submission of relevant information to DPLH for potential inclusion on the Register of Aboriginal Sites, which can in turn be accessed by future land users.

It is anticipated the NSHA template will be finalised and tabled at the September meeting of the State Council.

6.7 Community Resource Centre Funding and Service Model (05-018-03-0004 KD)

By Kirstie Davis, Policy Manager Community

Recommendation

- 1. That State Council notes:
WALGA has sent a letter to the Hon Alannah MacTiernan MLC, Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade that proposes:**
 - a. CRCs are involved in the development of service delivery models and tiered funding system**
 - b. WALGA is involved in correspondence for the 12 directly affected Local Governments; and**
 - c. A joint information session with industry bodies, State Government agencies and key stakeholders is convened**
- 2. WALGA has written to the 12 directly affected Local Government CEOs to facilitate a way forward.**

In Brief

- On 10 July 2017 State Government announced the CRC contracts were to be shortened to 18 months and funding to be reduced.
- On 30 April 2018, State Government announced a 40% reduction through a new tiered funding model for CRCs, effective March 2019
- State Council endorsed at its meeting in May [Resolution 38.2/2018] that WALGA meet with the Minister and coordinate a representative paper with affected Local Governments
- The Minister has made public comment there will not be a reversal of the funding decision
- WALGA continues to work with State Government agencies, industry bodies and members to convene a joint information session; and
- WALGA has written to the 12 directly affected Local Governments to action their preferred options in moving forward.

Attachment

Nil

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Improve communication and build relationships at all levels of member Local Governments

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;

- Promote WALGA's supplier agreements to assist Local Governments.

Background

The State Government announced on 30 April 2018, the funding allocation for the Community Resource Centre (CRC) program will be reduced from \$13 million per annum to \$8 million per annum from 1 July 2019. The reduction in funding follows a review of all Royalties for Regions funded programs as a result of the significant budgetary pressure facing the Government.

CRCs are currently asked to deliver against three service level outcomes:

1. Government and Community Information and Access
2. Business and Workforce Development
3. Social Development and Community Capacity Building

In its review of CRCs, State Government identified duplication in service delivery with CRCs providing services in points two and three above, the areas of economic and social development, which would normally be the responsibility of Local Government.

Changes to the proposed service model is that the future functions of CRCs would be to focus solely on the delivery and facilitation of government, health and/or community information and services. Specifically through building the capacity of individuals in the use of technology, such as video conferencing.

The revised CRC Service Delivery Agreement (or Grant Agreement) will contain the minimum service requirements for DPIRD payments to be made.

Comment

To date there has been correspondence between WALGA President Cr Lynne Craigie to the Minister for Regional Development the Hon Alannah MacTiernan, to outline the sector's response and a forthcoming approach. The Association continues to consult with State Government agencies and key industry bodies to strengthen collaborative approaches towards a more sustainable model through a joint information session.

Discussions are emerging about how to collectively champion for continuance of services that are adequately resourced. The Association encourages Local Governments to consider a collective approach within affected regions to further define and value add to the State Government's revised model.

Specifically the Association would like to propose a joint meeting of Local Governments and CRCs within regions to discuss:

- How to attract other funding partners to develop income generation ideas that will add to the revised funding models;
- Complete an audit of skills and facilities across all CRCs in your region to value add to proposed service delivery models; and,
- A community champion to represent innovations and collective interests and be supported by the services of the Association in communicating these changes to State Government.

6.8 Alternative Approaches to Volunteer Based Health Services in the Regions Survey (05-031-01-0001 EDR)

By Evie Devitt-Rix, Policy Officer Community

Recommendation

That State Council note WALGA's engagement with regional WA Local Governments to determine the level of coverage of health services in each region.

In Brief

- In 2017 WALGA was approached by regional Local Governments experiencing difficulty with regard to volunteering, provision of adequate medical services and capacity of where and how to access assistance to partner in solutions.
- The March 2018 State Council Strategic Forum, requested that WALGA seek more information from members and Zones on this issue, and based on the feedback, report to State Council and/or request a meeting with the Minister for Health.
- WALGA prepared a survey to gather information from Local Governments that was open from 9 May to 1 June 2018 and received a high response rate. WALGA will collate the feedback and communicate the results to State Council for decision at the September meeting.

Attachment

<https://www.walga.asn.au/getattachment/Policy-Advice-and-Advocacy/People-and-Place/Health-and-Wellbeing/WALGA-Survey-Health-Services-in-Regional-Areas.pdf.aspx?lang=en-AU>

Relevance to Strategic Plan

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments
- Improve communication and build relationships at all levels of member Local Governments
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government
- Provide support to all members, according to need
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated.

Background

In 2017 WALGA was approached by regional Local Governments to advocate for greater support for health services in their regions. Regional, rural or remote areas with small or widely-dispersed populations can lack adequate numbers of medical services to appropriately respond to health issues

and emergencies in the community. Various factors can contribute to this situation, including the difficulty recruiting and retaining workers, a lack of funding for positions, or a lack of facilities.

As a result of communication with regional Local Governments, WALGA met with the WA Country Health Service and St John Ambulance to determine opportunities to tailor existing and future resources to the needs of these communities. These meetings were productive and provided insight into opportunities that Local Government can take up, to support their communities and provide greater health coverage in regional areas. This included telehealth, and using St John audits to determine gaps in emergency services, which can then be addressed in a range of innovative ways.

The issue was raised at the WALGA State Council Strategic Forum in March, to determine whether allocation of health services was a state-wide issue that would benefit from the Association's advocacy. As an outcome of the meeting, the Association was requested by State Council to seek more information from members and Zones on this issue. This information will be reported to State Council to determine the next steps to be taken.

To gather feedback from all Local Governments, the Association prepared a survey through WALGA's communication channels. The survey was opened on Wednesday, 9 May 2018 until Friday 1 June 2018.

Comment.

The Regional Health Services Survey (the Survey), opened on Wednesday, May 9 and closed on Friday, June 1. The Survey was sent through WALGA's LG News and Councillor Direct communications channels, and was also emailed to all Elected Members on WALGA's contact list.

Over one hundred responses were received in the first two days that the Survey was open. The Survey asked for contact details and Local Government input for details of the health services currently available in the area, and information on any gaps experienced, or solutions Local Governments have used to boost the service to their community.

Respondents were predominantly from regional, rural and remote Local Governments, but some metropolitan Local Governments have responded. Some Local Governments are involved in supplementing existing health services, often through funding GPs to service the area.

WALGA will collate the information provided to create a picture of the current situation in WA Local Governments and inform further advocacy on this issue.

6.9 **Public Health Act 2016 Regulation Review Program (05-031-01-0001 EDR)**

By Evie Devitt-Rix, Policy Officer Community

Recommendation

That State Council note the Department of Health's regulation review program to develop regulations for the *Public Health Act 2016*.

In Brief

- *The Public Health Act 2016* is progressing through a five-stage process of implementation and is currently at Stage 4.
- All regulations from the previous *Health Act 1911* will be repealed, and replaced with new regulations at the commencement of Stage 5.
- To ensure that new regulations are appropriate for the current health risks and issues, a broad regulation review program is underway.

Relevance to Strategic Plan

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government
- Provide support to all members, according to need
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated.

Background

The development and introduction of the *Public Health Act 2016* (the Act) is a major public health initiative and regulatory reform undertaking for Western Australia. WALGA State Council has consistently advocated for the introduction of the Act as a foundation for a risk management approach to public health for both State and Local Government. (Resolutions 0159.COM.6/2005, 307.6/2007, 9.1/2015).

The Act, together with the supporting *Public Health (Consequential Provisions) Act 2016* (Consequential Act), received Royal Assent on the 25th July 2016.

The Act commenced in July 2016 and is moving through a process of staged implementation. Currently the Act is in Stage 4.

Stage 1 of implementation began on the day of Royal Assent (25 July 2016). On this day clauses 1 and 2 of the Act and the Consequential Act came into operation.

Stage 2 occurred on the day following Royal Assent (26 July 2016). At the initiation of Stage 2 the following clauses to come into operation: Clauses 3-5 – Objects and Principles, terms used and Crown bound. Part 16 – Crown Exemptions and Part 18 – Miscellaneous Provisions and parts of Part 19 will come into operation. These 2 stages involved various technical matters required to facilitate the transition from the *Health Act 1911* to the *Public Health Act 2016*. At this stage the *Health Act 1911* and its associated regulations, by- laws and local laws will remain in force.

Stage 3 occurred on 24 January 2017. At the commencement of Stage 3 the *Health Act 1911* was re-named the *Health (Miscellaneous Provisions) Act 1911*.

During this stage elements of the administrative framework provided by Part 2 of the Public Health Act 2016 came into operation to replace the equivalent administrative framework provided by Part II of the *Health Act 1911*.

Stage 4 This stage will include the commencement of provisions relating to notifiable infectious diseases and related conditions, prescribed conditions of health, serious public health incident powers and public health emergencies. Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations made under that Act will be repealed. Local Governments are not required to take any action to prepare for this stage. The Department of Health has released the First Interim State Public Health in advance of the commencement of Stage 4, to inform Local Governments of the State's priorities as they progress with preparation of their Local Public Health Plans.

Stage 5 will include the development of new regulations, and the commencement of the enforcement provisions for Public Health Planning, Public Health Assessments and registration and licensing. Stage 5 is a significant stage of implementation for Local Government, and the Department of Health will work closely with officers and Elected Members in the lead up to this stage, including consulting on the development of regulations. Stage 5 is expected to commence in 2019-2021.

Stage 5 will occur on a date fixed by proclamation, in approximately 2021. Provisions in the Public Health Act relating to environmental health matters will be commenced. Amongst other things, this will involve the development of new regulations for areas including the built environment, water, personal safety and pests and vectors. Equivalent provisions in the *Health (Miscellaneous Provisions) Act 1911* and regulations and by-laws made under that Act will be repealed.

The Department of Health has pledged to provide regular updates to Local Government to ensure that adequate notice is given to prepare for each stage of implementation. The Association is represented on the Department of Health's Public Health Act Reference Group. The Association also hosts a Public Health Advisory Group.

The following regulations will be retained under the *Health (Miscellaneous Provisions) Act 1911*:

- *Health (Notifications by Midwives) Regulations 1994*
- *Health (Rottnest Island) By-Laws*
- *Health (Section 335(5)(d) Abortion Notice) Regulations 1998*
- *Notification of Stillbirth and Neo-Natal Death Regulations*
- *Registration, Enforcement and Discharge of Local Authority Charges on Land, Regulations.*

The following regulations were transitioned under the Act during stage 4 of implementation:

- *Blood and Tissue (Transmissible Diseases) Regulations 1985*

The following regulations were repealed at Stage 4 of implementation and replaced by the *Public Health Regulations 2017*:

- *Health (Immunisation by Local Governments) Regulations 2000*
- *Health (Notification of Adverse Event After Immunisation) Regulations 1995*
- *Health (Venereal Diseases) Regulations 1973*
- *Health (Notification of Intussusception) Regulations 2007*

The preparatory work for the development of new regulations under the Act relating to environmental health matters has now commenced and proposes new regulations to address:

- the built environment
- water
- body art and personal appearances
- pests and vectors.

Comment

Through the regulation review process, each regulation from the *Health (Miscellaneous Provisions) Act 1911* will be consulted on, through a working group or consultation session, and a discussion paper prepared to discuss the future options for each regulation.

These options may include

- retaining the status quo by replacing the current regulation with an equivalent regulation under the *Public Health Act 2016*
- taking no action and allowing existing regulations to be repealed without replacement, or
- updating regulations.

The discussion paper will then go through the Department of Treasury's Better Regulation Unit Regulatory Impact Assessment process, and then be circulated to Local Government for feedback to ensure thorough consultation prior to finalising the paper and drafting the regulation.

The Department has established a number of working groups to provide expert advice and direction on specific public health risk activities including the:

- Public Buildings Working Group
- Events Working Group
- Aquatic Facilities Working Group

A summary of some of the regulatory project work that continues has been outlined below:

Public Buildings

Review of the Health (Public Buildings) Regulations 1992 is progressing steadily, with members of the Public Buildings Working Group currently reviewing the first draft of the discussion paper, which outlines a number of options for public building management in WA. The paper is aimed for release late 2018. In the interim, the Department has been working closely with the Building Commission to reduce duplication between the Public Buildings Regulations and the Building Codes of Australia. During April 2018, the Building Commission Industry Bulletin 99 was released, which aims to raise awareness amongst building practitioners of the need to consider the requirements of the Public Buildings Regulations in design. This is an important interim measure while the Regulations are under review, and is intended to reduce the incidence of costly post-construction renovations.

Public Events

An Events Working Group was formed in March 2018, and it is anticipated that a discussion paper will be released within the next six months. While both public buildings and events are currently regulated under the Public Buildings Regulations, it was agreed that each risk activity needed to be reviewed separately due to the potential for different regulatory approaches.

Temporary Toilets

A discussion paper summarising the review of the *Health (Temporary Sanitary Conveniences) Regulations 1997* completed an internal review process and is now with the Better Regulation Unit for consideration. It is hoped that the paper will be released for public consultation in late 2018.

The Department has also been invited to present the findings of research associated with this paper at the 2018 Environmental Health Conference in October.

Construction Sites

The paper summarising the review of the *Health (Construction Work) Regulations 1973* and Part 3 of the *Health (Temporary Sanitary Conveniences) Regulations 1997* and an associated guideline has completed an internal review process. It is currently being prepared for release for public consultation.

Drinking Water

An internal working group has been created to flesh out proposed requirements of a potential water regulation. Work is progressing and the team are aiming to have a draft discussion paper ready for public consultation within the next six months.

Wastewater

Work on a paper reviewing the wastewater sections of the *Health (Miscellaneous Provisions) Act 1911* and the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* is progressing. A draft discussion paper is planned for completion and release for public consultation by the end of 2018.

Pesticides

Drafting of a discussion paper outlining management options for pesticide management has commenced. The paper will be provided to the Department's legal team and Better Regulation Unit for consideration, prior to being released publically for comment.

Aquatic facilities

An aquatic facilities working group met throughout 2017, providing input into the drafting of a discussion paper. The paper has recently been reviewed by the Better Regulation Unit. Final changes are being made and the discussion paper is planned to be released for public consultation later in the year.

Asbestos

Amendments to the *Health (Asbestos) Regulations 1992* were proclaimed in 2017, as an interim measure to address immediate regulatory concerns. Additional work was progressed to gain approval from the Better Regulation Unit to continue the regulations under the Act, which incorporated a number of additional amendments. A Code of Practice has been drafted which is proposed to be adopted under new regulations. Concerns have now been raised regarding the potential overlapping of specific asbestos management issues with other State regulations such as WorkSafe, Department of Water and Environmental Regulation related to transport and disposal of asbestos, and Department of Mines Industry, Regulation and Safety related to asbestos in mining communities. The intention is to resolve these concerns with the various agencies to continue the progression of the regulations.

Morgues

The Morgues discussion paper was released late 2017 for public consultation. Findings of the consultation have been summarised and will be used to guide a report outlining the preferred option for managing mortuaries in WA.

Skin Penetration

A review of the *Health (Skin Penetration Procedures) Regulation 1998* was previously initiated in late 2014, with extensive feedback received by industry and government at the time. Recent advice from the Better Regulation Unit has indicated that further targeted consultation with local governments is now required to provide more specific information around how the proposed regulatory changes may be effectively implemented and operate within local government. The Department will aim to progress this work over the coming year in partnership with local government and industry.

Cloth Materials

A draft discussion paper has been completed for the *Health (Cloth Materials) Regulations 1985* and is currently with the Department's legal team for internal review. It is anticipated this discussion paper will be released for public comment in late 2018.

Offensive trades

The Department partnered with WALGA to host a workshop in February 2018 with local government representatives to discuss offensive trade issues in WA. The outcomes of this workshop are being incorporated into a draft discussion paper. The paper is planned to be submitted to the Better Regulation Unit for feedback prior to being released for public consultation.

Biting insects

A paper outlining management options for biting insects such as mosquitoes has been reviewed by the Better Regulation Unit and Department's legal team. Comments are being incorporated into the final document prior to be released for public consultation later this year.

Legionella

A fact finding mission has commenced for managing risks associated with air-handling and cooling tower systems. A discussion paper has been drafted and will be presented for internal review. A working group may need to be established later in the year to discuss potential approaches for management within the local government setting.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)

By Mark Batty, Executive Manager Environment & Waste

Recommendation

That the report from the Environment Unit to the July 2018 State Council meeting be noted.

The following report outlines key activities for the Environment Policy Unit since the last State Council meeting:

Events and Newsletters

Tree Health and Resilience Forum

120 delegates attended WALGA's *Tree Health and Resilience* forum on 2 May. Speakers included renowned experts in forest pathology and restoration, Professor Kingsley Dixon and Professor Giles Hardy, who were joined by representatives from State and Local Government, WALGA Preferred Suppliers and our leading research institutions. The event focussed on the many management actions Local Government can take to improve tree health. These include minimising the use of alkaline irrigation water (> pH 5.5) around native trees to avoid chlorotic decline syndrome, and supporting the presence of digging mammals in ecosystems (such as bandicoots) to assist move beneficial soil fungi across the landscape. The Town of Claremont ended the day by encouraging participants to 'get planting and go large!'.

The presentations from the event are available on WALGA's website [here](#).

Future planning Perth's energy supply and targeting water audits in council facilities

WALGA held a Sustainability Officers' Network Group (SONG) meeting on 7 June, hosted by the Town of Cambridge and attended by 15 Local Government officers. The theme of the meeting was 'Future planning of Perth's energy supply and targeting water audits in council facilities'. The meeting heard how Perth is adapting to a diversifying energy market, as well as hints on effectively targeting water audits and key areas to maximise savings in a range of typical council facilities.

EnviroNews

The May 2018 edition of EnviroNews can be accessed electronically on the WALGA website [here](#). The June edition is scheduled for release on 27 June.

Policy and Advocacy

Environmental Planning Tool (EPT)

The Shire of Cuballing subscribed to the EPT in May, bringing the total number of subscribing Local Governments to 48.

Three new tools have been added to the EPT to facilitate bushfire risk planning and management. The tools allow quick classification of vegetation for bushfire risk assessment, mapping of bushfire hazard levels and bushfire attack level contours.

New Urban Forest mapping layers for Perth and Peel are also now available in the EPT which allow for comparison of percentage cover for a range of vegetation layers between 2009 and 2016.

Four EPT training sessions were delivered between May and the end of June, two at WALGA and two at the Shire of Cuballing. As well as providing instruction on general use of the EPT, these sessions demonstrated the EPT analytical and reporting functions designed specifically to meet the requirements of the Department of Water and Environment Regulation for Minor Infrastructure Purpose Permits for native vegetation clearing. These permits negate the need for Local Governments to submit individual clearing permits. The new bushfire risk assessment tools were also demonstrated.

EPT presentations were also made to the MWAC Officers Advisory Group, LGIS representatives and to the State Council Environment Policy Team.

Climate Change

Policy Statement Review

After extensive consultation with the sector, WALGA has developed a revised Climate Change Policy Statement which has been submitted to State Council for endorsement.

The responses to the Climate Change Policy Statement Discussion Paper were overwhelmingly supportive of producing a stronger climate change policy statement. This feedback was incorporated into the draft Climate Change Policy Statement, which was then released to the sector for comment. Of the 31 respondents, only one Local Government recommended that State Council not endorse the Climate Change Policy Statement. Those supporting endorsement made a range of suggested changes which were reviewed and considered. Further detail is included in the State Council paper for decision on this matter.

If endorsed by State Council, the revised Policy Statement will replace the existing Policy Statement on Climate Change (2009), and will form the basis of climate change advocacy by WALGA on behalf of the sector.

WALGA will promote the revised Policy Statement and act consistently with its content. Individual Local Governments will be encouraged to support and utilise this Policy Statement in developing and implementing their own climate change strategies and programs, but would not be bound by the Policy Statement.

Urban Forest

Urban Forest Planning Guide

WALGA has been working with the Department of Planning, Lands and Heritage (DPLH) in developing guidance to support the important work that Local Governments are undertaking to address loss of trees on public and private land. The Better Urban Forest Planning Guide includes advice on how to develop urban forest strategies, planning mechanisms and tools that Local Governments can use such as planning schemes amendments, significant tree registers and tree bonds. The guide also contains Local Government case studies that highlight 'best-practice' actions. The Guide is expected to be released shortly.

New urban forest mapping data

New Urban Forest mapping data covering the Perth and Peel regions for 2009, 2014 and 2016 is now available. These datasets have been developed by the Department of Planning, Lands and Heritage in partnership with CSIRO. They are available via the EPT (see above) and also at www.data.wa.gov.au.

Biosecurity

Review of the *Biosecurity and Agriculture Management Act 2007*

The WALGA CEO has written to Mr Ralph Addis, Director General of the Department of Primary Industries and Regional Development to make him aware of the Association's policy position on

post border biosecurity and seeking his assurance that WALGA and Local Governments will have the opportunity to provide input to the review of the *Biosecurity and Agriculture Management Act 2007* that is expected to commence in the second half of 2018.

Feral Cats pest declaration

WALGA provided information to the sector on the recommendation to declare the feral cat as a pest in WA. The Department of Primary Industries and Regional Development (DPIRD) has completed a technical assessment and recommended that the feral cat is declared as a pest under the *Biosecurity and Agriculture Management Act 2007*. Should the recommendation be accepted by the Minister, DPIRD will not enforce landholders to undertake management activities. Rather, the declaration is intended to support landscape scale management activities through better coordination of government and community programs. DPIRD is also developing a draft policy aimed at mitigating the risk of harm to domestic pet cats, which will be released for consultation in due course. Further information can be found via an [InfoPage](#) on WALGA's website.

WALGA staff attended a Feral Cat Symposium organised by the Peel Harvey Catchment Council in Mandurah on 1 June.

Corella Coordinated Control Program

A new contractor has been appointed to undertake corella control at three sites in metropolitan Perth until the end of June 2018.

South West Local Governments are working together to coordinate their corella control activity. The City of Bunbury, City of Busselton, Shire of Harvey, Shire of Dardanup and the Shire of Capel have engaged a contractor to undertake control until the end of June.

A corella control information and demonstration session was held in partnership with the Department of Biodiversity, Conservation and Attractions on 22 May. The session was attended by 30 people comprising of representatives from Local Government, consultants and industry. The aim of the session was to increase awareness of the standard operating protocols and practical application of the corella control method. It is hoped that the session will result in an increase in the number of contractors that are able to safely and humanely undertake this work.

The WALGA CEO wrote to Mr Mark Webb, Director General of the Department of Biodiversity, Conservation and Attractions (DBCA) in May to inform him of progress with the coordinated control program, including the significant contributions by Local Governments in metropolitan Perth and the South West. The letter requests the Department extends funding of the program for a further three years.

Strategic Assessment of the Perth and Peel Regions (SAPPR)

The State Government suspended the SAPPR in April pending the consideration of recommendations of a 'critical review of the ongoing costs, risks and benefits to Western Australia', to be completed by the end of the year. The review is being undertaken by an independent review panel comprising:

- Darren Cooper (chair) - National President of the Urban Development Institute of Australia (UDIA).
- Robyn Glindemann - is an expert in planning and environmental law.
- Ross Holt - former career public servant, including Assistant Under Treasurer and CEO of the WA Land Authority (LandCorp).
- Professor Michael Poole AM - inaugural Chair of the WA Biodiversity Science Institute (WABSI) with a history in agriculture and environmental science.

The panel will review and make recommendations for the SAPPR with specific reference to:

- The merits or otherwise to the State Government and key stakeholders of undertaking a strategic assessment to enable the Perth and Peel regions to accommodate 3.5 million people;

- The key policy and legal risks to the State Government (and other stakeholders) from undertaking a strategic assessment as a formal environmental approval under the EPBC Act;
- The risks and benefits to private landholders from implementation of the strategic assessment;
- The likely costs of the ongoing implementation of the strategic assessment (both to the State Government and industry) and whether these costs provide value for money compared with business as usual or alternative approaches;
- The scope of the strategic assessment, including:
 - Any alternatives to a formal strategic assessment or different options within a formal strategic assessment under the EPBC Act that could be considered by the State Government and associated legal risks and implications; and
 - Any alternatives to approvals reform and streamlining under the Environmental Protection Act 1986 and other relevant legislation both in association with a strategic assessment and without; and
- The implications of terminating the strategic assessment for the State Government and industry.

It is understood that the panel will soon be engaging with stakeholders including industry, local governments and non-government organisations and that it is considering 'appropriate methods of wider consultation'. WALGA will be seeking to engage with the review panel as a priority and will provide further information as soon as possible about how best to input to the review.

Environmental Measures included in 2018-19 Federal and State Budget

The Unit provided information to the sector on the environmental measures included in the 2018-19 Federal and State budget, released on 8 May and 10 May, respectively. Natural resource management (NRM) and action on climate change were not a focus of either budgets this year, with limited new announcements to support Western Australian Local Governments.

1. The State budget allocated \$31 million for the Natural Resource Management Program, \$9.3 million for the Pilbara Environmental Offsets fund, and \$900,000 for the Swan-Canning Community Rivercare Program. The State budget also imposes greater cost recovery for water and environmental regulation, with increased fees for licences and permits.
2. The Federal budget allocated \$1 billion for the National Landcare Program - Phase 2, a reduction on the Phase 1 funding.

An InfoPage on the 2018-19 Federal and State budgets can be found [here](#).

7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Recommendation

That the Key Activity Report from the Governance and Organisational Services Unit to the July 2018 State Council meeting be noted.

Governance and Organisational Services comprises of the following WALGA work units:

- Governance Support for Members
- Employee Relations
- Training
- Regional Capacity Building
- Recruitment
- Strategy & Association Governance

The following provides an outline of the key activities of Governance and Organisational Services since the last State Council meeting.

Governance

Local Government Act Review Update

As the sector is aware, The Minister for Local Government announced a two-stage review of the Local Government Act and Regulations;

- Phase 1 – Modernising Local Government – aiming to introduce a Bill before the end of 2018
- Phase 2 – Services for the Community – aiming for a Bill in early 2020

Phase 1 – Modernising Local Government

The items to be covered in phase 1 are as follows;

- Elected Member training;
- Gifts
- Recruitment and performance review of CEOs;
- Standards of behavior, misconduct and breaches;
- Public Notices;
- Availability of information;
- Administrative Efficiencies

Phase 1 timeline

The Department has finalized the position papers on the above items and the Minister is looking to take policy positions to Cabinet in the near future.

The Minister plans to make public the policy positions following Cabinet endorsement, which will allow sector consultation to occur.

The following is the timeline schedule for Phase 1;

Task	Timeframe	Sector Consultation
1. Finalise policy positions <ul style="list-style-type: none"> • Complete analysis • Finalise recommendations • Workshop recommendations with Reference Group • Prepare drafting instructions • Prepare Cabinet Submission 	Between now and 31 May 2018 2 May 2018	
1. Cabinet Submission <ul style="list-style-type: none"> • Approval to draft to Minister's office • Cabinet approval • Minister makes public the States Policy Position to enable sector consultation to commence • Reference Group meeting – update on approved policy 	1 June 2018 29 June 2018 1 July 2018 Mid-July 2018	WALGA/LG Professionals Sector Consultation between July and Mid-September. WALGA/LG Pro also involved in the Drafting work.
1. Drafting <ul style="list-style-type: none"> • Request to draft to PCO • Drafting by PCO • Interactive consultation with WALGA and LG Pro on drafts • Finalise draft 	1 July 2018 Mid-September 2018	
1. Cabinet Submission <ul style="list-style-type: none"> • Approval to print to Minister's office • Cabinet approval 	Mid-September 2018 Mid-October 2018	
1. Bill in Parliament	Mid-November 2018	

Phase 2 – Services to the Community

Phase 2 issues are likely to include the following;

- Increasing participation in Local Government Elections
- Financial Management
- Rating
- Beneficial Enterprises (Council Controlled Organisations)
- Integrated Planning & Reporting
- Community Engagement
- Local Laws
- Procurement
- Complaints Management

WALGA's advocacy will focus on the following key principles adopted by the Sector;

- Retain General Competence Principle
- Provide for a Flexible, Principles-based legislative framework
- Avoid Red Tape

- Size and Scale compliance regime

Phase 2 timeline

The timeline for phase 2 will be as follows;

- Department Discussion Paper September/October 2018
- Consultation and drafting of legislation in 2019
- Introduce Bill to Parliament first session of 2020

WALGA will continue to keep the sector informed as the process progresses.

Puppy Farming

The State Government is committed to introducing measures to stop Puppy Farming. The Minister for Local Government is looking to introduce the necessary legislative provisions to stop puppy farming and improve the health and wellbeing of all dogs in Western Australia.

While there are already legislative powers to investigate and prosecute those who mistreat their animals, legislation relevant to puppy farming is needed to facilitate the investigation and prosecution of puppy farming in WA.

The Department of Local Government, Sport and Cultural Industries has released a Discussion paper on the issue.

The paper is designed for Local Government to discuss the recommended actions and proposed implementation process of the stop puppy farming proposals.

The feedback provided will assist in informing the government on the role of Local Government in supporting the implementation of the stop puppy farming provisions and identify the resource requirements.

The Department is working with WALGA and Local Government Professionals to ensure the discussion paper reflects the information needed for Local Governments to make a considered response and advise on what these initiatives mean for the business of Local Government.

The review of the Cat and Dog Act is likely to commence in the next financial year, which presents an opportunity to start thinking about 'companion animals' and how they should be managed, and the process costed. Given the Stop Puppy Farming initiatives will require an amendment to the Dog Act it's timely to turn our minds to what this may look like.

As such, the Department is partnering with WALGA and Local Government Professionals to develop a cost modelling project. The purpose of this project will be to collect current information about the costs to your council to implement the Dog Act and what you believe may be the costs to implement the Stop Puppy Farming initiatives.

Responses to the Discussion Paper can be provided to WALGA by Friday, 10 August. For enquiries on Puppy Farming please contact James McGovern.

Local Government Reform / Regional Capacity Building

Beneficial Enterprises (Council Controlled Organisations)

The Local Government Sector has been advocating for Local Governments to have the ability to create Beneficial Enterprises or Council Controlled organisations for over ten years.

WALGA adopted as policy the concept of establishing subsidiary corporate structures as vehicles for greater efficiency and improved partnering practices for Local Government involvement in a range of activities that are distinct from the commonly understood "core functions" of local government.

Examples of such activities include affordable housing projects, urban regeneration, measures to address economic decline in regional centres, public-private partnerships to develop local government assets. Specifically the authority for Local Government to create Council controlled organisations as a means of improving Local Government efficiency.

Under such an arrangement, Councils would be able to establish arms-length entities to deliver projects and services needed by the community. The roll of Council controlled organisations, as proposed by WALGA, would be to provide services and facilities that are otherwise not attractive to private investors.

In effect such a model would enable Councils to establish organisations that operate at arm's length to the Local Government in a commercial environment with the support of the community.

The introduction of Beneficial Enterprises into WA would modernise the Local Government operations, ultimately improving the capacity of Local Government in WA to deliver on its social obligations.

A Breakfast Forum will be held on Wednesday 1 August 2018 commencing at 7am at the Perth Convention & Exhibition Centre.

This Forum, jointly hosted by WALGA and the Department of Local Government, Sport and Cultural Industries, provides an opportunity for State Government, Local Government and the business sector to hear how Local Governments in other States have successfully established and operated CCOs. Speakers will also participate in a Panel discussion and Q&A session.

Regional Subsidiaries

WALGA and the Local Government sector have been advocating since 2008 for Local Governments to be able to establish regional subsidiaries in Western Australia.

The legislation was introduced in 2016 and subsequent Regulations introduced in 2017.

As part of the Local Government Act review process, WALGA has been advocating for a complete review of the *Local Government (Regional Subsidiaries) Regulations 2017* to remove the overly prescriptive compliance regulations.

A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the specific circumstances of each regional subsidiary.

It is WALGA's strong view, that the Regulations should be limited to two matters. Firstly, the regulations should outline what *must* be addressed in the charter of a regional subsidiary. Secondly, the regulations should outline which sections of the *Local Government Act 1995* will apply to a regional subsidiary such as provisions relating to scrutiny of Local Government and protection from liability. It is WALGA's view that application of the *Local Government Act 1995* should be kept as minimal as possible.

The burden of accountability oversight for a Regional Subsidiary should primarily be contained in the Regional Subsidiary's charter and not in Regulations. The charter is well-placed to address accountability matters such as procurement, financial and reporting requirements and other important matters. This approach would ensure that the Regional Subsidiary model benefits – flexibility and the ability to establish a subsidiary that is fit-for-purpose – are realised.

In support of the view that the charter should be the primary governing instrument, WALGA's submission argued that there are sufficient compliance obligations inherent in the model including:

1. The obligation of the constituent Councils to undertake their due diligence and be satisfied that entering into a regional subsidiary is in the best interests of their organisation and community;
2. Ministerial Approval of the proposed charter, which provides a significant opportunity for oversight by the regulatory body;
3. Establishment of a Board of Management that can include independent skills-based directors depending on the collaborative function of the subsidiary;
4. Reporting requirements to the board of management which will consist of members from the constituent Councils; and,
5. Reporting requirements to the constituent Councils.

The overriding requirement of a subsidiary is that the responsibility falls to the constituent councils through the Governance charter to provide accountability for the subsidiary and not the Department of Local Government through regulations.

WALGA has contracted a legal firm to prepare the legal drafting of the amendments required for the regulations, for presentation to the Minister for Local Government.

Employee Relations

WALGA Salary and Workforce Survey 2018

The WALGA Salary and Workforce Survey 2017/18 is a comprehensive survey of Local Government workforce, remuneration, benefits and human resource management information. The Salary and Workforce Survey provides valuable data and insights for Local Governments in workforce planning, structuring remuneration and HR management. Subscribers to the survey receive a written report and access to an online portal with more customised results and additional resources.

The survey is a valuable tool to assist with Local Government budgeting.

WALGA has published a remuneration survey for over 20 years to assist Local Governments in designing and implementing salary structures and to help guide strategic workforce planning. Following a review of the survey in 2016, in consultation with the sector, the WALGA Salary and Workforce Survey 2017/18 has been compiled in conjunction with SalaryOne, to produce an expanded data set available to subscribers in two fresh formats.

PDF Report

Some key features of the WALGA Salary and Workforce Survey report include:

1. Exclusive for WA and NT Local Governments.
2. Current remuneration data for 2018/19 budget planning.
3. Base salary and total remuneration data for 144 unique positions.
4. Enterprise agreement pay rises.
5. Organisation priorities for people and culture.
6. Workforce data by employment type, age, occupation, diversity and gender.
7. Industry trends for leave, superannuation, terminations and 30 types of allowances and benefits.
8. Industry trends in human resource management.
9. Increased privacy, while retaining some pay transparency.

Online Portal

WALGA is pleased to provide Local Governments who subscribe to the survey report, access to an online portal for full salary data and workforce resources.

The online portal has a number of features not included in the written PDF report, including:

- Salary data search of over 3000 Local Government salaries
- your survey results ranked against industry benchmarks (for survey participants)

- position task descriptors, and
- additional data tables and charts.

**An online remuneration calculator is coming to the online portal soon.*

Executive Summary

An Executive Summary is available to Local Governments free of charge. The Summary includes a snapshot of the information that has been collected and presented in the report and the online portal.

Subscribing

If a Local Government wishes to purchase an annual subscription to the 2017/18 survey, please contact WALGA Employee Relations.

The 2018/19 Salary and Workforce survey will commence in August 2018.

Association Governance

Proposed WALGA Constitutional Amendments

A proposal to amend the WALGA Constitution will be put forward to the 1 August 2018 WALGA Annual General Meeting.

The proposed amendments were endorsed by a special majority at the 4 May 2018 meeting of State Council and members have been emailed advice of the proposal.

The proposed amendments are as follows:

1. Amendments to ensure that the President and Deputy President are drawn from opposite constituencies as is currently convention (i.e. if the President is from the Country constituency, the Deputy President must be drawn from the metropolitan constituency, and vice versa);
2. Amendments to ensure that the Presidency will be rotated between the two constituencies (i.e. once a Country President finishes, the next President must be elected from the Metropolitan constituency, and vice versa);
3. Amendments to clarify that the qualification requirements of State Councillors are also applied to ex-officio members of State Council;
4. Amendments to clarify that State Councillors will be disqualified from office if suspended or disqualified from holding the office of Council, no matter which section of the Act is used by the Minister to effect the suspension or disqualification;
5. Amendments to clarify that the President is entitled to vote in elections for President and Deputy President;
6. Amendments to reflect the change of name of the Local Government Professionals Australia WA; and,
7. Amendments to apply the same Ministerial suspension or disqualification provisions to Zone delegates as apply to State Councillors.

Full information will be provided in the Annual General Meeting papers to be distributed in June 2018.

7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)

By Ian Duncan, Executive Manager Infrastructure

Recommendation

That the Key Activity Report from the Infrastructure Unit to the July 2018 State Council meeting be noted.

The following provides an outline of the key activities of the Infrastructure unit since the last State Council meeting.

Roads

Review of the Road Classification System

The road classification system used to determine the responsibility for roads in WA under the requirements of the *Main Roads Act 1930*, was reviewed by a working group of representatives from Local Governments, Main Roads and WALGA. The new methodology for metropolitan roads was endorsed by the WALGA State Council at the March 2018 meeting. The new system adopts a two tier process. The first tier considers the planning and statutory functions of the road and the second comprises a more detailed assessment of the road's current and future function. Testing of the revised methodology indicates that approximately 25 Metropolitan roads could qualify for redesignation as State roads.

A separate process is now being developed for consideration that will deal with non-metropolitan roads. Main Roads has been undertaking sensitivity studies to determine how any new criteria for non-metropolitan roads perform against the existing criteria. This will be applied to roads ranging from little used local roads to existing State Roads. The consultation process is still to be agreed with Main Roads WA. The aim is that this will commence in the coming quarter.

Methodology for Calculating the Cost of Road Wear on Unsealed Roads

In response to member requests, WALGA has worked closely with ARRB to develop a guide for calculating the cost of road wear on unsealed roads subject to a significant increase in heavy vehicle traffic. This builds on similar work completed for sealed roads and now adopted by many Councils.

A model has now been developed for unsealed roads that is currently being calibrated and tested in a range of situations for which the traffic data and road maintenance costs are known. The final phases of this project involve the development of a User Guide to enable the model to be applied in a practical way.

Review of the Restoration and Reinstatement Specification

WALGA has commenced a project in partnership with the Institute of Public Works Engineering Australasia (IPWEA) to review and update the *Restoration and Reinstatement Specification* and will be seeking industry experts to join the working group. This specification will be a key supporting resource to a Model Policy Guideline for Managing Third Parties Working in the Road Reserve. The Specification was published in 2002 and IPWEA has endorsed a comprehensive review to be performed by a working group of industry experts.

Revised Traffic Management for Works on Roads Code of Practice

WALGA and other stakeholders have been actively working to develop a revised Traffic Management for Works on Roads Code of Practice that has recently been published by Main Roads WA. A new section (4.5 Authorising Traffic Management Plans) was added to the Code, which impacts on Local Government. Section 4.5 states (in part) that "by signing the Road Authority Authorisation section of a Traffic Management Plan (TMP) the Road Authority (Main Roads and/or LGA) is endorsing the implementation of temporary traffic management on that road. The Road Authority is not responsible for ensuring every aspect of the TMP is compliant with AS1742.3-2009, this code and/or the Traffic Management for Events Code of Practice (Events Code)."

2018 Transport and Roads Forum

The 2018 Local Government Transport and Roads Forum will be held on Tuesday 16 October at Crown Perth. This will provide an important and timely opportunity for Local Government leaders to engage with senior officers and Ministers with responsibility for the transport related portfolios. Technical topics proposed include:

- New approaches for optimising road preservation works
- Reconstruction and recovery following natural disasters
- Traffic Management
- Unsealed and sealed roads
- Road Safety Management Systems

The program is currently being developed and more details will be released in coming months.

Operational Responsibility in the Road Reserve

For many years there has been no formal agreement between Main Roads and Local Government regarding the boundaries of responsibilities in the road reserve. In response to this issue, the Operational Responsibility for Public Roads in WA (Agreement) was developed between 2005 and 2009, jointly by a Working Group comprising Main Roads WA, IPWEA and WALGA, the latest draft being version 2, December 2009. The purpose of the Agreement is to provide principles and practical guidance for determining how the responsibility for operating and maintaining the different parts or elements of highways and main roads is to be allocated between Main Roads and Local Government. Ongoing discussions between Main Roads and WALGA have identified issues that have prevented adoption of the Agreement.

The State Road Funds to Local Government Advisory Committee (SAC) at its meeting on the 6 April 2018, resolved that a Working Group be established to identify and resolve the issues that are hindering the adoption of the Agreement. It is proposed that Local Government, Main Roads, WALGA and IPWEA will be represented on the Working Group. The working group will be tasked to draft an acceptable amended Agreement and implementation recommendations for consideration by SAC.

Report on Local Government Road Assets and Expenditure 2016/17

The Report on Local Government Road Assets and Expenditure 2016/17 is now available. The report was produced by WALGA with assistance from the WA Local Government Grants Commission. The report provides information on the lengths and types of roads, paths and bridges and highlights trends in the data over the preceding five years. It includes statistics and trends on the funding sources and amount of Local Government expenditure on roads, paths and bridges. Details are provided on the allocation of expenditure between expansion, upgrade, maintenance and renewal of the network at a regional level and for individual Local Governments. The expenditure statistics are analysed to provide comparisons of road preservation performance, net preservation needs and expenditure effort. These comparisons provide insight into the adequacy of funding and the difference between road preservation needs and current expenditure on road preservation.

Hard copies of the report will be posted to all Local Governments in June and further copies available via the website.

Funding

Proposed New State Road Funds to Local Government Agreement

The State Road Funds to Local Government Agreement (SRFLGA) provides an allocation of funds to Local Governments in Western Australia. The amount of funding is based on a percentage of the motor vehicle license fee (MVLFF) revenue collected by the State Government. The funding arrangement provides Local Government with some surety in funding for the term of the Agreement. The current Agreement ran from 2011/12 to 2015/16 and was extended a further two years to 2017/18.

Following a meeting between the Minister for Transport; Planning; Lands and the WALGA President and CEO on 27 August 2017, the Minister agreed to the negotiation of a new Agreement. The Minister authorised Main Roads to proceed to negotiate with WALGA to draft the New Agreement.

Based on a Local Government survey performed by WALGA in 2015 and ongoing consultation with the Regional Road Groups and Main Roads WA, WALGA drafted a proposed new Agreement in December 2017. From 2015/16 to 2017/18, the State Government decreased the MVLF portion provided under the Agreement from 27% to approximately 20%. The draft agreement is broadly the same as the current agreement but seeks to return the level of funding to 27% of VLF over the term of the Agreement.

The draft was submitted to Main Roads for consideration and they responded with several points of difference. The major difference being that the State Government is offering only 20% of MVLF over the term of the Agreement. A report summarising the proposed changes in the draft Agreement and the points of difference raised by Main Roads was submitted to State Council in March for noting.

The WALGA President and CEO subsequently met with the A/Managing Director of Main Roads and Director General of the Department of Transport to seek resolution of the outstanding issues. At the meeting the Director General clearly stated that the State Government would not move from their offer of 20% MVLF over the term of the Agreement. This offer was presented to State Council in May where it was rejected and Council resolved to seek a return to 24% of MVLF by 2020/21. Further meetings between WALGA, Main Roads and the Minister has led to the position where the State Government now believes that the best option is to fund work on Local Government roads through Regional Road Groups but without an overarching agreement.

Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA)

Work is continuing with representatives from the Office of Emergency Management seeking to achieve effective implementation of new natural disaster relief and recovery funding arrangements.

Current efforts are focussed on:

- Ensuring Local Governments are appropriately and directly engaged;
- Processes are developed, in consultation with Local Government, that are practical and deliver the required outcomes;
- Cashflow and other constraints facing Local Governments responding to natural disasters are addressed effectively.

Senior officers from the Office of Emergency Management have commenced engaging directly with Local Government senior officers and elected members at Regional Road Groups and in other forums. This will continue, with WALGA support, over the coming months.

The State is currently engaging with stakeholders regarding the required frequency and depth of asset condition inspections of roads and bridges required by the Commonwealth to demonstrate the pre-disaster condition of damaged or destroyed assets. There are also discussions concerning the provision of independent engineering assessment of cost estimates and the readiness of the WA Auditor General. It is possible that the start date for new arrangements may be deferred several months from the proposed 1 July commencement as the Commonwealth has not yet provided the final Determination.

Street Lighting

The Association is advocating that LED street lighting technology be available and supported to improve the quality of public area lighting, reduce costs, reduce energy consumption and reduce greenhouse gas emissions.

Western Power has concluded commercial agreements with two suppliers for provision of LED street lights. This will provide an option for developers and Local Governments wishing to take advantage of this technology and gift the assets to Western Power. As yet there is no indication of the tariffs that will be charged for each of these luminaires. The Association will shortly be engaging with Local Governments concerning preferred default arrangements for replacement of failed Western Power and Horizon Power street lights.

The Association has provided submissions to the Economic Regulation Authority and met with senior officers working on the arrangements covering Western Power pricing and investment over the coming four year period. In the short term Local Governments are seeking much greater transparency in the cost stack components (operating costs, maintenance costs, renewal costs) that comprise the Western Power tariff. We are also seeking that the ERA assess whether the current costs incurred by Western Power are efficient costs by benchmarking against comparable electricity distributors in other Australian jurisdictions.

Urban and Regional Transport

Secondary Freight Routes in the Wheatbelt Regions

WALGA is supporting Local Governments in the Wheatbelt North and Wheatbelt South Regional Road Groups working collectively to define freight routes in the region, identify the investment required to provide the desired levels of service and develop a business case for investment. Through RDA Wheatbelt application has been made for a \$1.25 m Leverage Fund grant from the Department of Primary Industries and Regional Development, subject to a successful funding application to the Federal Government Building Better Regions Fund.

Bus Stop Infrastructure Agreement

A review of the Bus Stop Infrastructure Partnership Agreement between Local Government and the Public Transport Authority (PTA) that was endorsed by State Council in March 2016 has commenced as set out in the provisions of the agreement. The Agreement defines the roles and responsibilities for providing and maintaining bus stop infrastructure and sets out the consultation process between the PTA and Local Governments to be applied when bus routes are changed, bus stops added or removed and bus stop infrastructure upgraded.

Initial consultation with Local Governments and PTA indicates that the Agreement is working well. It has proven challenging to maintain awareness of the Agreement amongst Local Government officers and a small number of Local Governments have not been claiming bus shelter maintenance contributions to which they are entitled. Depending on further advice from members, a new agreement with minor changes is likely to be proposed for consideration.

Bicycle share scheme discussion paper

Docked and dockless bike sharing schemes have been established in some Australian cities with varying degrees of success and various external impacts. These ventures usually require Local Government approval and/or support. The service provided will often extend over several Local Government jurisdictions adding a degree of complexity in supporting the opportunities and managing any adverse impacts.

With a small working group, WALGA is working to produce a discussion paper on bicycle share schemes for consideration by members and to facilitate feedback on how the Association can assist Local Governments dealing with this. This work will build on a position paper on bicycle share schemes drafted by the Department of Transport that indicates broad support for such schemes and identifies some issues and opportunities for consideration.

Road Safety

Development of a Model Policy Template for Traffic Management on the Local Road Network

The requirement for notifications, approval and implementation of traffic management plans on local roads is an important responsibility of Local Government. Currently these responsibilities, particularly in relation to third parties, are specified in different documents. This is causing confusion for Local Governments, utility providers and contractors. Local Government practitioners and members of the Utility Providers Services Committee have asked WALGA to develop a model policy template to assist Local Governments frame consistent and robust policy and practices to govern works in local road reserves. WALGA will consult with Local Governments and provide opportunity for input during the development process.

Movement of Agricultural Vehicles on the Public Road Network

Due to a recent amendment to regulation 454 of the *Road Traffic (Vehicles) Regulations 2014* Main Roads WA is reviewing the requirements of pilots who assist in moving agricultural vehicles and implements on the public road network. This amendment and the increasing dimensions of agricultural vehicles and implements has prompted consideration of creating different classes of agricultural pilots and a short on-line course to provide practical knowledge, raise awareness of the risks associated with moving oversize and/or over-mass vehicles on public roads, and increase safety for all road users. Local Governments, as road authorities, will be provided an opportunity to comment on the proposed changes.

Road Safety Council Update

Since the first meeting of the year the Road Safety Council has made recommendations to the Minister in regard to the 2018-19 Road Trauma Trust Account budget and continued to monitor 2017-18 expenditure. The Council has also commenced work on reviewing its governance framework and associated documents, starting with the Code of Conduct. Other matters considered by the Council include updates on the development of legislative reforms to address substance impaired driving and recidivist offenders and the need for a review of penalties (last reviewed in 2010), in particular for speeding and illegal use of mobile phones while driving.

Two events have been developed with the aim of transferring knowledge and building leadership for road safety. A Road Safety Research Forum, hosted by former Chief Scientist of WA Professor Lyn Beazley AO FTSE, was held on 4 May to showcase how WA research is shaping the future of road safety. The second, strongly supported by the Road Safety Council, is a three-day Road Safety Management Leadership Program to be held in June 2018. This program has been tailored especially for Western Australia by Monash University Accident Research Centre (MUARC). It is based on MUARC's internationally recognised program, designed to develop and nurture the leadership required to drive improvements in road safety performance. WALGA has liaised with the Road Safety Commission to secure places in the program for the Chairs, or another representative, from each Regional Road Group.

RoadWise Road Safety Newsletter

The April 2018 and May 2018 editions of the *RoadWise Road Safety Newsletter* can be accessed electronically at <http://roadwise.asn.au/roadwise-road-safety-newsletter.aspx>. The June edition is scheduled for release on Tuesday, 19 June 2018.

New subscribers can register to receive the newsletter directly through the following link: <http://eepurl.com/PHFsr>.

The newsletter is currently distributed to almost 2000 members of the community road safety network in Western Australia. Readership of the newsletter is estimated to be significantly higher than distribution.

7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)

By Melissa Pexton, Acting Executive Manager People and Place

Recommendation

That the Key Activity Report from the People and Place Team to the July 2018 State Council meeting be noted.

The following provides an outline of the key activities of the People and Place Team since the last State Council meeting.

Changing Places

WALGA continues to deliver the Changing Places Grant Program on behalf of State Government. Facilities to achieve final accreditation include Cunderdin, Melville, Broome, Bunbury, Gin Gin, Mandurah, Moora, Narrogin and Port Hedland. A Western Australian State Steering Committee is forming to continue advocacy and promotion of the program. WALGA continues to meet with State Government agencies and key industry bodies to ensure quality standards are maintained and delivered for continuance of the program.

Homelessness

[The State of Homelessness in Australian's Cities: Report on 12 April](#) was released by the Centre of Social Impact at the University of Western Australia (CSI UWA) in partnership with Australian Alliance to End Homelessness (AAEH) and [The Western Australian Strategy to End Homelessness: 10 Year Plan](#) on 13 April by the WA Alliance to #EndHomelessness. Shelter WA, WALGA and Local Governments are working to produce a policy statement to support members on better understanding the role of Local Government in addressing homelessness, in alignment with these key documents.

Family, Sexual and Domestic Violence

WALGA continues to work with Federal Government, Department of Social Services and local members in completing a draft toolkit and roll out a project pilot for Local Governments on Family, Sexual and Domestic Violence. Work continues to further determine action research and evaluation plans of the trial, gaining further understanding of the application and better determination around timelines for rollout of the Toolkit to trail sites.

Chief Health Officer Resignation

The WA Chief Health Officer, Professor Tarun Weeramanthri, tendered his resignation after a decade of service on 15 May 2018. Professor Weeramanthri has provided expert advice on public health matters that impact the WA community, most notably the new *Public Health Act 2016*, opening of the new Perth Children's Hospital and the State's inaugural Preventative Health Summit. WALGA thanks and recognises the Professor Weeramanthri for his expert leadership and will be welcoming his predecessor into the role in the near future.

Sustainable Health Review

WALGA continues its involvement in the Prevention, Promotion and Partnerships (PPP) Working Group providing important points of relevance for how Local Governments work around the focus areas of climate and sustainability, family and domestic violence, alcohol and other drugs, funding models for prevention and health prevention and capacity building. Five roundtables will be occurring over June and July to further inform the final report. Robyn Kruk, Independent Chair of the SHR Panel will be attending the next PPP Working Group.

Department of Health to support Local Government Officers to receive Health Promotion training

The Department of Health has worked with WALGA and Curtin University to develop a specific training course to equip Local Government officers with the skills to assist development of Local Public Health Plans in their Local Government. The Department will offer sixteen funded positions to officers

who meet a range of criteria. The Association is assisting with development of criteria, and will circulate information on the application process to all Local Governments in the near future. This project is the result of information shared at a WALGA Public Health Advisory Group meeting. The Group brings different perspectives and ideas to the attention of the Association, and benefits to Local Government of strong collaboration between WALGA and the Department of Health.

Food Borne Illness Reduction Strategy

The Department of Health has sought WALGA's assistance in consultation and endorsement for the Draft WA Foodborne Illness Reduction Strategy (the Strategy). This Strategy is being developed concurrently with Australia's Foodborne Illness Reduction Strategy, which will be voted on by Commonwealth, State and Territory Ministers on 29 June. The Strategy and Salmonella Implementation Plan have been developed in conjunction with State and Local Government representatives.

2017 was a record year for Salmonella levels, and Campylobacter levels are too high compared to comparable countries. More than any other state or territory, the role of Local Government here is critical to the success of foodborne illness reduction. In WA, Local Governments are directly appointed by the Government, in regulation, to be the enforcement agency for 98+% of food businesses, including some farming establishments.

WALGA will circulate the Strategy for Local Government comment in the near future. The Strategy will then be included in the September State Council Agenda for endorsement.

Community Safety Events

The LGCSN will host a full-day conference at the Perth Convention and Exhibition Centre alongside the WALGA Convention on Thursday, 2 August. Keynote speakers include UWA's Dr Joe Claire, who will present on Safety and Crime, Perceptions and Reality, and Stuart Mearnes who will discuss the Mental Health Co-Response Team Trial. The conference will include information on using local data for crime prevention, and a workshop run by environmental criminologist Dr Paul Cozens.

The Local Government Community Safety Network (LGCSN) runs quarterly events to provide information on crime prevention and community safety to Local Governments, the WA Police and relevant agencies. The LGCSN is open for anyone in Local Government with an interest in community safety. The Network also hosts an online google group to enable members to ask questions or share information with others in the space. The last LGCSN meeting of the year will be hosted by the City of Stirling in October/November.

National Local Government Cultural Forum and Cultural Planning

WALGA has been actively participating in discussions with ALGA regarding the National Local Government Cultural Forum with ongoing support from the Australia Council of the Arts. WALGA attended the Forum's Network Meeting in May and continues to partner with the Chamber for Arts and Culture regarding next steps for Local Governments.

Empowering Communities (formerly Supporting Communities)

WALGA supported the Department of Communities to engage with Local Governments to review previous Community and Neighborhood Development Services and Individual and Family Support and Youth Support Services programs for the creation of a single stream Supporting Communities model.

The \$9.4 million program tenders have now been released on Tender WA renamed Empowering Communities. WALGA encourages all members to access and apply via the Tender WA website by the end of June.

Smart Cities and Suburbs Program

The Department of Infrastructure, Regional Development and Cities (Cwth) announced Smart Cities and Suburbs Program grant funding for applications by 2 July 2018. A total of \$50million with estimated grants valued between \$250 thousand and \$5 million available for applicants who can meet the criteria. The program aims to support projects that apply innovative technology based solutions

to local challenges to achieve livability, productivity and sustainability. WALGA encourages Local Governments to apply.

Reconciliation Week

WALGA attended the Department of Local Government, Sport and Cultural Industries launch of Reconciliation Week, Banner project on Monday 28 May. The Minister for Aboriginal Affairs, Hon, Bew Wyatt, acknowledged the growing support of local governments, with a total of 19 Local Governments now participating in the program. In a bid to lead by example WALGA staff have also engaged in cultural awareness training as part of implementing the WALGA Reconciliation Plan.

State Youth Strategy 2018-21

The Department of Communities has conducted its final round of consultation on the development of a statewide Youth Strategy. WALGA and more than 40 Local Governments participated in a facilitated session on 31 May to refine the strategies and actions as outlined by State Government. WALGA continues to work with the Department to ensure the voice of its members is heard and considered and looks forward to the launch of the Strategy in late August.

Managing Alcohol in our Communities Resource

WALGA, in partnership with the Mental Health Commission and the Public Health Advocacy Institute, has developed an alcohol management resource which provides information and case studies to assist Local Governments in managing alcohol-related issues and includes information on identifying alcohol-related issues in the community; aligning community concerns with Local Government operations; influencing the supply of alcohol and reducing demand for alcohol. The resource will be available to Local Governments in the coming weeks.

Off-road Vehicle Discussion Paper

Off-road vehicles have been an issue for Local Governments for decades with members highlighting their concerns around safety, social, economic and environmental costs to their communities. WALGA has developed an Off-road Vehicle Discussion Paper which has been distributed to the sector for consultation. Feedback will be considered before its inclusion in the September State Council Agenda as an item for decision.

7.2 Policy Forum Reports (01-006-03-0007 TB)

The following provides an outline of the key activities of the Association's Policy Forums since the last State Council meeting.

Recommendation

That the report on the key activities of the Association's Policy Forums to the July 2018 State Council Meeting be noted.

7.2.1 Mayors/Presidents Policy Forum

Tony Brown, Executive Manager Governance & Organisational Services

The Mayors/Presidents Policy Forum has been tasked with addressing the following key issues;

- i. Advise the WALGA President on emerging policy issues;*
- ii. Serve as a stakeholder forum to effectively support and complement the broader work of the Western Australian Local Government Association;*
- iii. Provide a networking opportunity for all Mayors and Presidents across the State;*
- iv. Provide a forum for guest speakers to present on topical sector issues.*

Comment

A Mayors/Presidents Policy Forum has not been held since the last State Council meeting.

The next Policy Forum will be scheduled for Tuesday 31 July 2018 at 3:30pm at the Perth Convention and Exhibition Centre as part of the 2018 Local Government convention.

An agenda advising of guest speakers will be circulated to all Mayors and Presidents prior to the meeting.

7.2.2 Mining Community Policy Forum

Wayne Scheggia, Deputy CEO

The Mining Communities Policy Forum has been tasked with addressing the following key issues;

- v. Monitor and assess the continuing impacts of State Agreement Acts on Local Government revenue raising capacity and service delivery;
- vi. Monitor and assess the impacts of State Government legislation, regulation and policies on the capacity of Local Governments to appropriately rate mining operations.
- vii. Develop and recommend relevant advocacy strategies in relation to i & ii;
- viii. Consider and recommend relevant strategies in respect to "Fly-in, Fly-out (FIFO) and "Drive-in Drive-out" (DIDO) workforce practices with specific reference to;
 - a. The effect of a non-resident, FIFO/DIDI workforce on established communities, including community wellbeing, services and infrastructure;
 - b. The impact on communities sending large numbers of FIFO/DIDO workers to mine sites.

Comment

There has not been a meeting of the Policy Forum since the previous State Council meeting.

7.2.3 Container Deposit Legislation Policy Forum

Mark Batty, Executive Manager Waste and Environment

A Container Deposit Scheme (CDS) is a form of Extended Producer Responsibility which seeks to place financial/physical responsibility for a product (at end of life) on the original producer.

The objectives of the Container Deposit Scheme Policy Forum shall be to:

- Provide constructive input into the development of a CDS for WA*
- Ensure that regional and remote communities have access to the benefits of a CDS*
- Engage with Local Government, and collectively negotiate with the Scheme operator, to ensure the sector has the opportunities to be involved in the implementation of a CDS.*

Comment

The Policy Forum has not met since the last State Council Meeting.



President's Report

July 2018

State / Local Government Partnership Agreement

We had the first meeting of the Partnership Executive Group (*Premier, Treasurer, Minister for Planning & Transport, Minister for Local Government, Communities and Cultural Industries, WALGA and LG Professionals*) on June 20th and;

- Established a strategic working group to underpin the executive with “arms and legs” to do the research and implementation actions that will give us outcomes and develop long term mutual agenda.
- Introduced the State to the WALGA Jobs Plan, which shows Local Governments how they can leverage off the States own jobs policy platform as part of their local economic development activity;
- Agreed on the need for implementing a major review of the planning system, which WALGA has ardently advocated for since 2016;
- Agreed on the need for a major review of local government fees and charges which are currently restricted or remain frozen due to State legislation and regulation;
- Discussed the need for relationship management in the sector at a number of levels, including elected members and CEOs;
- Agreed to explore establishing formal Partnership Agreements on Climate Change (*including Coastal Erosion*), and Procurement;
- Acknowledged the restrictions on road funding and the need for further review of this going forward.

Clearly there is value in a Partnership agenda like this and we look forward to achieving some great outcomes in the year ahead.

Local Government Act Review

The Local Government Act review process continues. The Department has finalized the position papers on the items listed below and the Minister is looking to take policy positions to Cabinet in the near future.

The Minister plans to make public the policy positions following Cabinet endorsement, which will allow sector consultation to occur. The Minister is aiming to introduce a bill before the end of this calendar year.

The items to be covered in phase 1 are as follows;

- Elected Member training;

- Gifts
- Recruitment and performance review of CEOs;
- Standards of behaviour, misconduct and breaches;
- Public Notices;
- Availability of information;
- Administrative Efficiencies

In respect to phase 2, the following topics are listed for consideration;

- Increasing participation in Local Government Elections
- Financial Management
- Procurement
- Rating
- Beneficial Enterprises (Council Controlled Organisations)
- Integrated Planning & Reporting
- Community Engagement
- Local Laws
- Administrative Efficiencies

The Department of Local Government, Sport and Cultural Industries are holding topic forums on the above issues and are seeking expressions of interest from Elected Members and Local Government Officers with a personal interest in contributing to these forums.

I encourage Elected Members and Officers to nominate to contribute to these forums to assist in putting forward suggested changes to the Act and Regulations.

WALGA's advocacy will focus on the following key principles adopted by the Sector;

- Retain General Competence Principle
- Provide for a Flexible, Principles-based legislative framework
- Avoid Red Tape
- Size and Scale compliance regime

State of the Regions Report

The 21st edition of the report reveals that innovation is the core driver of Australia's long-term economic growth and is typically undertaken by 'knowledge workers' who are currently concentrated in Australia's metropolitan capitals and inner cities. The research found that these workers tended to concentrate in regions where there was a wide variety of cultural and lifestyle choices.

Productivity and innovation happening in the inner cities are boosted by opportunities for human interaction, not only in offices and laboratories but also in cafes, shops, schools and recreational facilities. These interactions occur most intensively when they are within walking distance of each other and when they happen, productivity increases and this benefits the region as a whole.

Further infrastructure support, particularly telecommunications, transport, community and cultural infrastructure, will help attract knowledge workers and their families to rural and remote regions and help create the conditions that will build new economic opportunities and resilient, intelligent communities.

WALGA's Regional Economic Development Project is working to develop the capacity for WA Local Governments to understand these issues and recognise their community aspirations.

Rate Capping Likely For South Australia

The South Australian Government has introduced legislation to cap council rates in South Australia, citing its commitment to keeping down “*cost of living pressures for South Australians*”, as justification.

Apparently the scheme will still enable councils to increase their rates if they can convince ratepayers and the independent regulator that the increase is necessary.

Research sponsored by the Australian Local Government Association showed that rate capping in NSW since the mid-1970s had simply led to a massive infrastructure and maintenance under spend at the local level.

The Western Australian State Government has committed on many occasions that a rate capping regime won't be implemented in WA.

Notwithstanding, the issue highlights the importance of maintaining open and robust communications with all sides of the political spectrum, along with open and accountable governance to ensure that Local Government's expenditure and service delivery is understood and in line with community expectations.

PRESIDENT'S CONTACTS

During the May - June period, contacts that have occurred or are scheduled to take place prior to the July State Council meeting will be advised at the 4 July State Council meeting.